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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record of the 1277th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 17 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

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Sixth periodic report of Gabon

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Sixth periodic report of Gabon (CEDAW/C/GAB/6; CEDAW/C/GAB/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Gabon took places at the Committee table.*

2. **Ms. Dikoumba** (Gabon), introducing the sixth periodic report of Gabon (CEDAW/C/GAB/6), said that the reforms instituted by President Ali Bongo Ondimba placed particular emphasis on the rights of vulnerable persons, including women, and widows in particular. Amendments to the part of the Civil Code that dealt with inheritance provided that surviving spouses and their children could not be excluded from funeral arrangements, expelled from their homes or in any other way denied their rights, and established criminal penalties for violations of those rights. A bill to amend discriminatory provisions of the Social Security Code would also enhance the situation of widows, affirming their right to a widow's pension, subject to certain exceptions. In addition, a new decree on legal assistance should ultimately ensure free legal aid for all economically disadvantaged persons, although to date its benefits had been limited by an inadequate budget.

3. The Government was also firmly committed to fighting violence against women. The related legislative reforms would extend the range of sexual offences defined in the Criminal Code to include incest and spousal rape, and would introduce harsher penalties for all offences involving sexual assault. Any non-consensual sexual act within a marriage would henceforth carry a prison term of between 5 and 10 years.

4. The Ministry for the Family and the Advancement of Women had been restructured in 2009. Since the reorganization, instead of being addressed in isolation by a single ministerial department, gender issues were mainstreamed throughout the Government administration, at both the national and decentralized levels. The new ministerial structure (the Ministry of Health, Social Security, Solidarity and the Family) ensured a more coordinated approach to the development of economic, health-care and social policies, thereby benefiting women.

5. Although there were no discriminatory measures impeding the representation of women in elected office, the introduction of a minimum 30 per cent quota was being considered. Work to facilitate birth registration was under way, including campaigns to engage the responsibility of justice, health-care and civil registry officials and regional campaigns targeting the parents of undocumented children. Sensitization campaigns were also being used as a means to change sociocultural mores and break the taboo surrounding issues such as gender-based violence; the demographic and health survey conducted in 2012 had revealed that one in five women aged between 15 and 49 had been victims of sexual violence, but that less than half of them had sought assistance.

6. Gabon had one of the highest school enrolment rates in Africa, with few disparities evident between girls and boys. To ensure that young mothers were not excluded from education, in 2003 the Government had launched a national programme to build a network of nurseries providing day care for the children of school-age mothers at nominal cost. In rural areas, community-based facilities provided free day care for children under 5.

7. Non-discrimination and inclusion were also guiding principles of the State's labour legislation and policies. Examples of the practical application of those principles included an apprenticeship scheme sponsored by a major oil company which each year provided

training in oil-related trades to around 100 young persons without educational qualifications, including around 20 young women.

8. Illiteracy was more prevalent in rural than in urban areas, with only slight differences between the rates for men and women. In fact, Government efforts to improve female literacy through socioeconomic integration programmes and media awareness-raising campaigns, among other measures, had virtually eradicated the literacy gap among young persons aged between 15 and 24.

9. One of the key government programmes to reduce remaining social disparities was the Human Investment Strategy of Gabon – a programme of measures launched in 2014 that was designed to mitigate disparities in seven population groups identified as being particularly disadvantaged. Included among the seven groups were single mothers, widows and large families. Beneficiaries had access to financial assistance to cover basic food, health-care and educational needs, support for income-generating activities that helped them to become self-sufficient, and improved water, electricity, housing and transport infrastructures, inter alia. Since the Strategy's launch, 100 per cent of women diagnosed with breast or cervical cancer had received medical treatment and family allowances had been distributed to over 75,000 impoverished families. Single parents and widows were thus among the primary beneficiaries. The availability of microcredit to support income-generating activities had also increased.

10. The Government had also made headway in guaranteeing women's rights in marriage, although some discriminatory legal provisions remained in force. For example, although married women had the right to retain their birth name, they were not entitled to choose their place of residence. The possibility of legalizing customary marriage to reduce the discrimination suffered by women in unions of that kind was currently under consideration. The Government was aware that much remained to be done but was committed to fighting all forms of discrimination against women.

Articles 1 to 6

11. **Ms. Ameline** asked whether the State party had ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and, if not, what obstacles were preventing progress. Noting that the revisions to the Civil Code and the Criminal Code had been insufficient to eliminate discrimination in marriage, access to justice and other areas, she asked whether the State party had established a timetable for the repeal of all discriminatory provisions remaining in domestic law and when it would amend the definition of discrimination contained in the Constitution, as it had undertaken to do in 2008. She would also like to know which government or parliamentary body, if any, was responsible for determining priorities and ensuring a holistic approach to legislative reform.

12. Citing the State party's report, which indicated that women could challenge the constitutionality of a law by invoking the provisions of the Convention, she asked whether that option had ever been utilized. She would appreciate clarification regarding the remit of the National Human Rights Commission and its compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Lastly, highlighting the country's cultural, social and ethnic diversity, she asked how the State party ensured that all population groups were familiar with the law and enjoyed access to justice and that its highly active and capable civil society was utilized efficiently and effectively in awareness-raising initiatives.

13. **Ms. Gabr** asked the delegation to explain the roles of the Minister for Social Security and the Director-General for the Promotion of Women within the new ministerial structure. She was concerned that the reorganization might have rendered responsibility for

gender issues too dispersed and that coordination might be insufficient. Her concerns had been exacerbated by the State party's admission, in its replies to the list of issues (CEDAW/C/GAB/Q/6/Add.1), that it was unable to specify the share of the national budget allocated to the advancement of women. She sought the delegation's assurances as to the adequacy of the budget.

14. Emphasizing the importance of a central coordinating body with a clear mandate and discrete budget, she asked the delegation to describe the procedure for preparing periodic reports and replies to the list of issues, including details of the principal contributors and the input of civil society, and to clarify which body was responsible for following up on the concluding observations. Lastly, she asked whether the State party would be conducting an evaluation of the merits of the 2009 ministerial restructure.

15. **Mr. Ndong Ella** (Gabon) said that the process of ratifying the Maputo Protocol was proving cumbersome and circuitous but there were no fundamental obstacles; it was simply a question of completing the procedural and institutional formalities. The process of aligning the National Human Rights Commission with the Paris Principles was proving similarly lengthy and complex but he could assure the Committee that the Government was moving in the right direction. He also offered assurances of the value and importance attached to civil society and of the Government's commitment to increasing NGO involvement in the development of policies and measures for the advancement of women.

16. **Ms. Dikoumba** (Gabon) said that the Government's initial focus on improving the situation of widows and guaranteeing their rights had subsequently evolved into a far-reaching campaign to inform and educate all women about their rights and the various support mechanisms available to them. Civil society had been very closely involved in that process.

17. No timetable had been set for the revision of the remaining discriminatory provisions in the Civil Code, the Code of Criminal Procedure and certain other laws but the reforms were firmly on the Government agenda.

18. The new Ministry of Health, Social Security, Solidarity and the Family had responsibility and oversight in respect of vulnerable population groups and the mechanisms through which those groups could access social benefits and other support. The Ministry was composed of seven general directorates and women's issues featured particularly prominently in the work of several, and notably the Directorate-General for the Advancement of Women and the Directorate-General for the Protection of Widows and Orphans. Therefore, the restructure had in no way reduced the importance attached to women's issues and policies or diminished their visibility. Seeking to allay Ms. Gabr's fears of insufficient coordination, she explained that the logic behind the reorganization was that women's issues should be addressed in a cross-cutting manner and incorporated in all policies in all departments in all ministries, thereby guaranteeing gender mainstreaming throughout the State administration.

19. **Ms. Nadaraia** said that she would appreciate more specific information on special measures to accelerate the promotion of equality between women and men, and on how those measures were reviewed and promoted.

20. **Ms. Patten** requested further information on the proposed amendment to the provision of the Criminal Code pertaining to incest and asked whether the criminalization of marital rape had already been enacted. Noting with concern that the definition of rape in the State party's legislation was limited to victims aged under 15 and pregnant women, she asked whether that definition would be amended. She wished to know whether a comprehensive law on violence against women was foreseen, and she wondered what measures were being taken with regard to harmful cultural practices, in particular female genital mutilation, forced marriage and child marriage. She would be particularly interested

to hear how the Government showed that it did not condone those practices or their justification on grounds of sociocultural or religious tradition. Lastly, she asked what protection measures had been taken or were planned, such as setting up shelters or crisis centres for women victims of violence.

21. **Ms. Acar** asked why no specific laws were in place to punish violence against women in the State party, despite the high rates of sexual violence. While decrees on widows' rights and marital rape were commendable, a specific, comprehensive law on gender-based violence was still lacking. She asked for more information on the measures being taken to include a definition of gender-based discrimination in the State party's Constitution. Regarding measures to remove discriminatory provisions from civil and criminal legislation, she requested details on which provisions were being revised. She was particularly interested to know whether the civil law provision stating that husbands were the head of the family would be amended. She also wished to know whether the differing penalties for men and for women under criminal law, particularly with respect to adultery, would be revised. She wondered what was being done to eliminate the deep-rooted stereotypes on which such discriminatory provisions were based. She would appreciate more information on the prevalence of female genital mutilation, levirate and polygamy, and wished to know what measures were being taken to address those harmful practices, whether any progress had been made and whether their effectiveness had been evaluated.

22. **Ms. Leinarte**, turning to the issue of trafficking and prostitution, said that Gabon was well documented as a country of transit and destination for trafficked women and children victims of forced marriage, servitude and forced labour. While she acknowledged the State party's efforts to address trafficking in children, she wished to know why more was not being done to tackle trafficking in adults. She would be particularly interested to hear whether any specific legislation on trafficking was foreseen, and whether the shelters for trafficked children might also be used to house women victims aged over 18. Similarly, she asked whether the mandate of the Monitoring Committee on Child Trafficking could be expanded to include issues related to trafficking in adults. She wondered what measures were being taken to provide for the safe repatriation of women victims of trafficking, and whether special training was provided for social workers and law enforcement officers working with victims. She also wished to know whether any public awareness-raising campaigns were being run to combat trafficking in women and girls. On prostitution, she asked what legal provisions and other measures were in place to assist women wishing to leave prostitution.

23. **Ms. Gabr** said that, despite being party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), Gabon had taken measures to address only trafficking in children. She asked what anti-trafficking activities were being undertaken in the context of national plans, and in particular what measures were in place to address trafficking of young girls under the pretext of marriage. She also asked whether any compensation was offered to victims of trafficking.

24. **Ms. Dikoumba** (Gabon) said that Gabon was indeed a transit and destination country for trafficking. The Government was taking measures to protect victims and identify perpetrators, including revising legislation on trafficking and putting harsher penalties in place, which had resulted in the imprisonment of some perpetrators of trafficking. Comprehensive measures were being taken by the Ministry of Justice, the police force and the Director-General for Human Rights to provide protection for victims. It was, however, difficult to identify women victims of trafficking, since in many cases women had made the choice to migrate in search of work. Efforts were being made to identify victims of trafficking among migrant communities. A legal framework was in place

for setting up centres for abandoned elderly people, women victims of violence, persons with disabilities and street children.

25. Turning to the issue of deep-rooted cultural practices, she said that polygamy was recognized in the Civil Code: it was not a type of forced marriage, but rather a type of marriage that women entered into voluntarily. Even so, public awareness-raising and education campaigns were being run to promote monogamous marriage and discourage polygamy. A bill had recently been drafted to formalize traditional marriage, since it was not recognized under existing law and widows from traditional marriages therefore did not have access to widow's rights. Social workers in Gabon received similar training to that given in other countries, although it was adapted to the national sociocultural environment. Identifying young girls who were victims of forced marriage was a complex matter. If a social worker suspected a case of forced marriage, the situation would be looked into and appropriate measures taken. In a recent case, a young girl from Guinea had complained of having been forced into marriage. She had been taken into one of the centres for child victims of trafficking and the Gabonese authorities were cooperating with the United Nations Children's Fund (UNICEF) to address her situation. New legislation in line with the Palermo Protocol was in the pipeline. A small amount of compensation was provided for child victims of trafficking to assist in their return to their country of origin.

26. The consultant expert who had been involved in drafting the State party report had been recruited by the Government and had worked together with various stakeholders to ensure that their perspectives were taken into account.

27. **Ms. Ameline** said that there was an urgent need to bring domestic law in line with the Convention, since a lack of legal basis for the promotion and protection of women's rights meant that there could be no prosecution. She asked whether judges were trained on the content of the Convention and whether there was a process in place to ensure the pre-eminence of positive law over cultural practice.

28. **Ms. Dikoumba** (Gabon) said that the political will to promote women's rights was being translated into action through the legislative reform. The reform was, however, a work in progress, given that Gabon was a country in which customary law was prevalent. Efforts were being made to remove any discriminatory provisions from national law. At the same time, women must be made aware of their rights and public attitudes towards women must be changed. Legal reform alone would not be sufficient: discriminatory attitudes must be eliminated.

29. **The Chairperson** asked whether there was a time frame for completion of the legal reform.

30. **Ms. Halperin-Kaddari** asked whether marital rape had been criminalized.

31. **Ms. Schulz** expressed concern regarding the time it was taking to amend discriminatory legislation. In its previous concluding observations, issued in 2005 (A/60/38, paras. 220–255), the Committee had encouraged the State party to step up its efforts to increase awareness about the importance of legal reform for achieving de jure and de facto equality for women. That reform process was still under way, and she wished to know when tangible results might be seen.

32. **Ms. Dikoumba** (Gabon) said that marital rape had been criminalized in 2013, and was punishable by deprivation of liberty for a period of 5 to 10 years and a fine. Although many laws had been revised to eliminate any discriminatory provisions, a number of draft laws that had been under parliamentary consideration had been withdrawn on the grounds that they contained discriminatory provisions and should therefore be revised. The process was a gradual one, but progress was being made and several revised laws would be promulgated in the near future. Efforts were also ongoing to educate parliamentarians, who

were predominantly men, to recognize discriminatory provisions in law. Gabon's legal texts had been written by men and efforts were therefore required to promote the rights of women in parliament. Many women, including women parliamentarians, were affected by customary law.

33. Traditional marriage accounted for 80 per cent of marriages in Gabon. A committee of traditional leaders, judges and civil society experts had been established to discuss the formalization of traditional marriage and the setting of standards to ensure that wives in traditional marriages could enjoy their rights. The new law would be enacted in the near future.

Articles 7 to 9

34. **Ms. Ameline** said that the State party should take steps to introduce a quota regarding the number of female parliamentarians and suggested that measures should be introduced to enable women diplomats to be accompanied by their spouses upon being posted abroad. As to national development plans, particularly the Human Investment Strategy, she asked how the Government ensured that women played an active role in the corresponding decision-making process. She also asked whether women were appointed to senior public sector posts on a systematic basis and whether the State party would consider taking practical steps to ensure that women were involved in the work of decision-making bodies in companies.

35. **Ms. Schulz** asked when the work on birth registration in Estuaire Province would be extended to the other provinces; what the outcome of that work had been; when existing relevant legislation would be amended; when fees for the issuance of birth certificates would be abolished; whether there were any penalties for health-care personnel who hindered the birth certificate issuance procedure (either through inefficiency or in order to ensure the payment of hospital fees); and whether the authorities would consider doing away with the rule whereby parents must go in person to the local authorities in order to register a birth. She asked whether, given the high rate of assisted births in Gabon, it would be possible for health-care personnel and parents to register births by mobile telephone. Lastly, she asked whether United Nations agencies operating in the State party had provided any support regarding efforts to end statelessness.

36. **Ms. Dikoumba** (Gabon) said that a bill to introduce a quota system for women and young persons in elected posts was currently before the Parliamentary Commission on Social Affairs.

37. The Human Investment Strategy focused on helping women through the payment of social welfare, health, education and childcare benefits, albeit subject to certain conditions, designed to ensure that women became actors in the process rather than mere beneficiaries: for example, in order to access child benefit payments, parents had to show up-to-date vaccination cards for their children. Other benefit-linked obligations had been introduced with the aim of reducing school absenteeism and dropout rates and the levels of maternal and infant mortality.

38. A national study on the process of issuing birth certificates had identified a number of shortcomings in the conduct of health-care personnel and administrative officials, as well as negligence on the part of parents. A programme on joint responsibility had been set up, involving hospitals, local authorities and families. In addition, civil registry officials and community leaders and administrators in rural areas were to be provided with training on birth registration.

39. **Ms. Ameline** asked for further details of the bill on quotas for women and young persons in elected posts. She also wished to know whether women had been involved in the negotiations concerning the Human Investment Strategy.

40. **Ms. Schulz** asked whether the bill on quotas made provision for candidate lists alternating men and women, and whether political parties would be penalized if they failed to comply.

41. **Ms. Dikoumba** (Gabon) said that the State party received support from various United Nations agencies in its efforts to end statelessness. She said that Gabon took in refugees from neighbouring countries and provided them with assistance, as well as working with the countries of origin to ensure that refugees could return home once the security situation had improved.

42. **Ms. Biyogou Minko** (Gabon) said that the Ministry of Human Rights had recommended that the Government should take action to ensure that children of foreign nationals and child refugees were covered in the next phase of the birth registration programme.

43. **Ms. Dikoumba** (Gabon) said that the birth registration programme was still ongoing and that the results were not yet available. To date, work had been carried out only in Libreville and in Estuaire Province, but the programme would be extended to cover the remaining provinces in the coming weeks.

44. There were no penalties for health-care personnel who hindered the issuance of birth certificates. However, childbirth services were now provided completely free of charge in all cases. There were plans to issue birth certificates automatically, to computerize the procedure and to ensure that civil registry officials visited hospitals in order to issue birth certificates.

45. Lists of candidates for elected posts had not yet been drawn up. Discussions would be held in the near future with women ministers and parliamentarians on the contents of the quota bill. Sanctions for political parties which failed to comply could only be introduced once the bill had become law.

Articles 10 to 14

46. **Ms. Zou** Xiaoqiao congratulated the Government of Gabon on its success in improving the primary school attendance rate and on the assistance provided to young mothers wishing to continue their education. However, in its previous concluding observations (A/60/38, paras. 241–242), the Committee had expressed concern at the high dropout rates of 39.94 per cent in junior high school and 7.20 per cent in upper high school in Gabon and had recommended that the State party prioritize efforts to ensure equal access of girls and young women to all levels of education and to increase their rates of enrolment and retention. Unfortunately, the report submitted by the State party provided very little information on that issue. She asked what had been done over the past 10 years to reduce dropout rates in high school, particularly among girls, and requested statistical data on the dropout rates among boys and girls at all levels of education.

47. She asked for information on the number of reported cases of violence against and sexual harassment of girls in school, investigations launched, prosecutions brought and victim rehabilitation, and on any measures taken to prevent, eliminate and punish such conduct. On to the issue of early pregnancy, she asked whether age-appropriate classes on reproductive and sexual health and rights were included in the curriculum at all levels of education.

48. She asked what was being done to encourage women and girls to study traditionally male subjects and whether there were any programmes in place that offered advice to boys and girls on the full range of educational opportunities. She asked whether steps had been taken to eliminate gender stereotyping from textbooks, educational curricula and teacher

training courses and to enhance the role of the education system in the practical realization of gender equality.

49. Lastly, she asked whether there were any adult literacy programmes for women living in rural areas and women members of the Pygmy community and what measures, indicators and time frames had been adopted regarding the assessment of progress in that area.

50. **Ms. Patten** said that the report submitted by the State party contained very little information on women's employment situation: the provisions of article 11 must be addressed thoroughly in the State party's next report. In its current report, the State party indicated that there was no discrimination in employment in Gabon, yet a previous study had pointed to high levels of unemployment among women in urban areas. She asked for an explanation of that discrepancy, information on the factors restricting women's employment and the reason for the low employment rate among women. She requested data on women's participation in the labour force in the public sector; which economic sectors were dominated by women; the gender wage gap; and job-creation initiatives for women. She asked whether job-creation strategies focused on sectors and occupations where women predominated; whether the Government was promoting access for women to traditionally male-dominated sectors and occupations; and how the Government monitored compliance with labour standards, proper working conditions (particularly health and safety for women), and job security and social security for women in both the formal and informal sectors. She asked whether the Government had set up a gender-sensitive labour inspectorate and how the authorities ensured that there was no discrimination in terms of recruitment, remuneration, promotion and working conditions. She also asked for further information on planned amendments to the Labour Code and the time frame for their adoption. Lastly, she asked how the Government was tackling the growth of the informal sector and promoting self-employment and the development of small enterprises among women, and what measures were in place to strengthen women's access to credit and capital.

51. **Ms. Pimentel** asked why the level of maternal mortality remained so high. With regard to sex education, she asked whether there were any public campaigns on sexual health or AIDS prevention that specifically targeted men. According to alternative sources, there was also a high level of mother-to-child transmission of HIV but the State party's report had made no mention of that issue.

52. She asked whether the legislation on abortion would be extended to allow for abortion in cases of rape and incest.

53. Lastly, she requested information on mobile health units for women in rural areas and women members of the Pygmy community who did not have access to contraception and asked whether the State party was preparing indicators that would enable it to provide objective information on health in its next report.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1278th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 17 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Gabon (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Gabon (continued) (CEDAW/C/GAB/6; CEDAW/C/GAB/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Gabon took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Dikoumba** (Gabon), responding to questions raised at the previous meeting, said that the Government had introduced sex education programmes for girls and boys in order to halt the spread of HIV/AIDS and sexually transmitted diseases. The programmes were delivered through youth clubs within educational establishments in partnership with social services; peer-to-peer education for young people had also been developed. Public awareness campaigns were conducted throughout the country by the Government in partnership with development agencies and civil society organizations. All sex education programmes were coordinated by the National Committee for Reproductive Health and the Ministry to Combat HIV. A special youth affairs department was working with the relevant institutions to provide sexual and reproductive health services in the capital and throughout the country.

3. Child day-care facilities had been set up in order to encourage teenage mothers to return to school and to provide childcare for mothers seeking employment who could not afford a childminder. Literacy programmes had been established for rural and pygmy women and the Ministry of Human Rights ensured that all girls and boys were educated to become responsible citizens.

4. Abortions were permitted on the grounds of rape or incest and foetal impairment on the women's request. National awareness campaigns concerning teenage pregnancy and the burden it placed on young mothers were aimed at both boys and girls. The Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Development Programme (UNDP) worked with the Government to tackle HIV/AIDS and its possible feminization as a result of polygamy.

5. The Ministry of Education was working to improve the education system by reducing overcrowding in classes, improving training for primary and secondary school teachers and increasing their numbers and by providing specialized education within schools and universities that prepared students for employment. Education reforms included the removal of the ban on repeating a year of primary education and of the requirement to sit a secondary school entrance exam. Wider promotion of apprenticeship schemes had been introduced in order to improve school dropout rates while additional assistance was provided to girls and to children of illiterate parents who received no help with their schoolwork at home. Turning to the issue of the right to bank loans and other forms of financial credit, she said that the Government had set up a microcredit fund to encourage women's entrepreneurship, promote their employment and combat poverty.

6. **Ms. Pimentel** said that she wished to learn more about the support provided through schools to the children of illiterate parents. She noted that, in its replies, the Government had acknowledged that there was insufficient data on abortion-related maternal deaths. She asked what measures were being put in place in order to provide that data and, more generally, information on women's health.

7. **Ms. Zou** Xiaoqiao asked what the budget allocation had been for education in the previous two years. She wished to know what specific measures and what public funding had been set aside in order to increase the number of schools and teachers and to improve the quality of school infrastructure and teaching.

8. **Ms. Acosta Vargas**, noting that the maternal mortality rate had improved somewhat, said that it was still very high. She wished to have clarification of the reasons for the improvement. Moreover, further details of the main causes of maternal mortality in the country were needed, especially as, according to the report of the State party, some 87 per cent of deliveries were assisted by doctors, midwives, nurses or skilled birth attendants.

9. **Ms. Dikoumba** (Gabon) said that maternal deaths were not all abortion-related. Most births took place in hospitals and the high number of maternal deaths could be attributed to a lack of prenatal care and to insufficient primary health care at the community level, including access to doctors, nurses and midwives. In order to encourage women to seek prenatal care, they were given a layette by a midwife when they visited their local hospital. More complications in childbirth could be avoided if expectant mothers took responsibility for their health and sought care throughout the pregnancy where possible. Programmes had been put in place to strengthen midwifery and to train women in rural areas as birth attendants. The health of mothers and their ability to look after their families was also impacted by the underlying economic performance of the country. The Government strategy included the introduction of mobile health teams for women who could not access hospitals in urban areas as well as the construction of regional hospitals specializing in maternal health. The Ministry of Health also supported health workers trained by the Gabonese Red Cross Society who provided primary health-care services in remote areas.

10. The National Health Insurance and Social Protection Fund assisted vulnerable families, including those in which illiteracy prevented parents from helping children with their homework. Literacy programmes were made available to parents. The education budget had increased from 70 billion CFA francs in 2005 to 191 billion CFA francs in 2012. The Government planned to build close to 400 new classrooms by 2020, to increase the recruitment of teachers and to improve the further training of teachers. Everything possible was being done to improve the education system.

11. **Ms. Pomeranzi**, citing reports that mechanisms for obtaining financial credit were not accessible to all women and that the percentage of female company managers in Gabon remained low, asked what was being done to tackle the discrimination faced by women entrepreneurs and overcome barriers to the economic empowerment of women.

12. **Mr. Bruun** enquired about the inheritance rights of women in customary marriages and asked whether rural women were recognized as landowners. He also wished to know what steps were taken to guarantee access to safe drinking water.

13. The delegation should indicate whether government plans to end its geographical isolation by 2016 by improving transport networks covered rural women and went beyond the building and upgrading of roads. Lastly, he would appreciate an evaluation of the success of the project to support the development of microcredit in Gabon.

14. **Ms. Gabr** asked whether the Government was cooperating with community leaders and NGOs in rural areas to change traditional mindsets and customs that were preventing women from exercising their right to landownership and access to credit and whether it had developed any specific strategies for the provision of basic health and other services in rural areas. She also wished to know whether women received training to help them adapt to new industries and agricultural innovations and whether any programmes were in place to enhance the quality of life of indigenous peoples.

15. **Ms. Dikoumba** (Gabon) said that the Government was aware of the pivotal role played by rural women in the primary sector and had spared no effort in drafting public policies to address their education and health needs. Since the early 1960s, it had been trying to merge small, scattered villages in order to provide basic services to remote areas more effectively, but had met with resistance from local communities who were deeply attached to their traditions and culture.

16. Under customary property law, women from certain ethnic groups who married outside their village or clan could not inherit land. To address the issue, the Government had embarked on land tenure reform involving the acquisition and redistribution of land by the State so that landownership would no longer be held by clans and families. It had also set up a programme to bolster the agriculture sector, called GRAINE (Gabon des Réalisations Agricoles et des Initiatives des Nationaux Engagés), by supporting the establishment of agricultural cooperatives.

17. Funding and training in accountancy and agricultural technology were provided through a range of programmes, including the Comprehensive Africa Agriculture Development Programme. As a result, women were gradually adapting to the mechanization of agriculture and abandoning ancestral farming techniques. Moreover, the Gabonese Institute for Development Support encouraged good practices such as the exchange of seeds and banana and cassava plants.

18. In May 2014, an initiative had been launched to facilitate women's access to income-generating activities. A regulatory framework had been put in place, governing and steering bodies had been appointed and the composition and structure of a financing commission had been approved by decree. Provincial technical committees had been created to support project leaders in rural areas. As part of the second phase of the initiative, the Government had recently launched a call for sponsors.

19. Alongside such economic empowerment measures, the Government was also undertaking activities to boost female entrepreneurship. It had organized a seminar in 2012 and planned to hold forums to discuss possible strategies for the future.

20. Universal access to safe drinking water was recognized as a fundamental right and was one of the objectives of the Human Investment Strategy. Since 2010, the Government had been working to improve the provision of water and electricity in villages through the installation of pumps and solar panels, which would have a positive knock-on effect for female entrepreneurs engaged in agricultural production. To assist poorer households in urban areas, the Government had signed an agreement with the Gabon Energy and Water Corporation to reduce the cost of water and electricity by 25 per cent and allow staggered payments.

21. The Government had discussed the importance of changing mindsets in order to ensure that people made the most of the opportunities available to them. Gabon was a middle-income country whose economy was heavily reliant on oil. In recent years, in response to falling oil prices and government resources, steps had been taken to diversify the economy and promote a return to the land.

22. **Ms. Pomeranzi** said that she endorsed the vision set out by the representative of Gabon, but the desired results would not be achieved if there was no ministry with responsibility for implementing a strategy for development, especially the development of women's entrepreneurship. Women were the drivers of development, particularly at times of crisis. It was therefore particularly important to ensure that women enjoyed equal opportunities with men. It was also crucial that funds could be disbursed at the local level.

23. **Ms. Schulz** noted that the representative of Gabon had said that land had been made over to cooperatives, as a means of fairer land distribution. She asked how the Government

protected such ownership so as to ensure that land was not resold to large corporations or foreign investors, as a result of which, in many countries, communities had been dispossessed of their land. It was also important to ensure that rural women were not trapped into working for agricultural enterprises that controlled a business process from start to finish and maintained some control over what they planted and produced.

24. **Ms. Patten** said that the definition of sexual harassment set out in the State party's reply to question 13 of the list of issues was too restricted. Account should be taken of such factors as a hostile environment. She wondered whether there was still time to include a more comprehensive definition in the draft Labour Code.

25. **Ms. Dikoumba** (Gabon) said that the Government would take full account of the suggested improvement to the provision on sexual harassment in the workplace. With regard to the question of promoting the development of women in rural areas, she agreed that action must be taken to ensure that such women did not suffer from their interaction with international companies. As for land distribution, she said that many people living in national parks were authorized to engage in agricultural activities. The problem was that there was a risk that, on the death of her husband, a woman found that the land that she had worked, perhaps for many years, was claimed by her husband's family. Under the Government's plans, no one would be displaced and the land would be redistributed to those willing to work it. The National Agricultural Plan provided opportunities for both women and men. She added that big corporations could have a beneficial effect if they provided agricultural work for rural people.

Articles 15 and 16

26. **Ms. Schulz** said that, regrettably, the State party's reply to question 20 of the list of issues did not provide a full answer to the points raised. The discussion of the massive discrimination against women had started in 1997 and continued in a dialogue with the Committee in 2005. Various proposals had been made, but the situation of women in customary marriages seemed to be unchanged. According to her understanding, 50 per cent of couples were in a customary marriage, although the representative of Gabon had named a higher percentage at the previous meeting. A clear legislative framework was required to provide women and children with legal safeguards and she asked when the rights and obligations existing in civil marriages were available to those in customary marriage, with regard to inheritance, division of assets or choice of domicile. A number of articles of the Civil Code were particularly discriminatory. Under article 252, a husband was required to provide protection and a wife to show obedience. Under article 253, the husband was named head of the family and article 254 gave the husband the right to decide on the family domicile. Article 261 gave a husband the right to forbid his wife to work. Article 203 provided that the minimum age for marriage was 18 years for men but only 15 for women, or even less, if a special dispensation was granted by the President. Under articles 177 and 178, a monogamous marriage could be transformed into a polygamous one; 21 per cent of women were in polygamous marriages, usually with older husbands. Paragraphs 150 and 153 of the State party's report indicated the unwillingness of the parliament to change the law on polygamy and she asked what the priority was for the Government to eliminate the most discriminatory provisions in the Civil Code.

27. **Ms. Dikoumba** (Gabon) said that the Civil Code recognized both civil and customary marriage. Legislative action was under way to regularize customary marriage, but meanwhile the Government was reaching out to young girls through education, pointing out the difficulties involved in early marriage or polygamy. As for the percentage of women in customary marriages, the figure of 82 per cent that she had quoted at the previous meeting came from a study on widows conducted in 2012, based on a sample of 1,260 women. A number of respondents had said that they were widows, but in fact they were in

customary marriages. The figure given in the report was therefore correct. The problem with customary marriage was that, although it had been abolished in 1963, it was still recognized throughout the country, at every level of society. The Government had therefore decided to regularize such marriage in order to protect women. Currently a widow's welfare depended on the goodwill of her husband's family. Some remedies were, in fact, available to widows: the Ministry for the Family and the Advancement of Women had helped defray the costs of legal proceedings brought by one woman who had been left dispossessed. She acknowledged, however, that a number of provisions were discriminatory and the Government had introduced a bill to bring customary marriage into line with civil marriage. The bill was currently being discussed by the Council of State and a parliamentary committee. About 30 articles of the Code of Civil Procedure and the Code of Criminal Procedure had been revised and, following adoption by both houses of parliament, were awaiting promulgation by the President.

28. **Ms. Ondo Ndong** (Gabon) said that Gabon had not been inactive in seeking to eliminate discriminatory provisions: an interministerial commission had been examining the Civil Code with a view to changing provisions on polygamy and the age of marriage since 2005 and had made recommendations that had been put forward to the Council of Ministers in 2011. Unfortunately, the process had come to a halt following ministerial changes, and a new commission, chaired by the Ministry of Justice, had been established. Progress was being made, but it was very slow and the Government was considering a new strategy. It might adopt the approach of other countries, where questions of marriage were covered by a family code and a consultant had been hired to help draft such a code. It was unacceptable that, whereas the voting age was 18 years, a girl could be married at 15. The Government intended to take account of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

29. **Ms. Schulz** asked what the legal effects of the bill would be with regard to the right to inheritance, alimony, child support and distribution of assets. Secondly, she did not understand the logic of replacing certain provisions of the Civil Code by a family code.

30. **Ms. Dikoumba** (Gabon) said that the effect of the bill would be to give customary marriage the same legal force as civil marriage with regard to inheritance and other rights. The only difference between the two would be the ceremonies involved, where the choice would be left to the families concerned. The bill would provide for a declaration of marriage before the civil authorities, who would issue a marriage certificate. Gabon would, however, pay close attention to the Committee's comments. The process of changing the situation would be long and slow. It was a question of changing not just legislation but also attitudes. Gabon was fortunate in its President, who was an advocate of human rights.

The discussion covered in the summary record ended at 5.05 p.m.

United Nations CEDAW/C/SR.1279

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record of the 1279th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 18 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Azerbaijan

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Azerbaijan (CEDAW/C/AZE/5, CEDAW/C/AZE/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Azerbaijan took places at the Committee table.*

2. **Ms. Huseynova** (Azerbaijan), introducing the fifth periodic report of Azerbaijan (CEDAW/C/AZE/5), said that the report had been drafted in consultation with civil society organizations. She acknowledged the unsatisfactory level of women's participation in conflict prevention and resolution in Azerbaijan. Measures were being taken to bridge that gap: training on the Committee's general recommendation No. 30, on women in conflict prevention, conflict and post-conflict situations, would be organized for key stakeholders, including representatives of NGOs. Her Government recognized the need to develop a national action plan on United Nations Security Council resolution 1325 (2000), and other relevant resolutions on women and peace, and intended to seek technical assistance in that regard. A coalition of women from parliament, State bodies and civil society had been established to support implementation of resolution 1325 and measures had been taken to include women refugees and internally displaced women in the peacebuilding process. Some women from the coalition held positions of authority in parliament and other national institutions.

3. During the reporting period, 11 family support centres had been established, which had, over the past two years, provided assistance to more than 4,500 women and prevented 7 cases of early marriage. The budget for the State Committee for Family, Women and Children's Affairs had increased to more than US$ 1.5 million. In line with the previous recommendations of the Committee on the Elimination of Discrimination against Women, legislation on combating domestic violence had been adopted and eight other legislative enactments had been amended as a result. Rehabilitation programmes had been devised for female victims of domestic violence, which included provisions on legal protection, compensation, and medical and psychological support. Issues related to domestic violence, human trafficking and homelessness were addressed in line with legislation on social services. In 2013, three shelters for victims of domestic violence had been set up and seven non-governmental support centres had been accredited to provide social services for victims. An online database on violence against women had been established, and efforts were under way to improve capacity at the local level for data collection, analysis, dissemination and use. Measures were being taken to engage civil society and the private sector in work with victims of domestic violence. As a result, the number of cases of violence against women had decreased.

4. Amendments had been made to the Family Code and the Criminal Code to bring the minimum marriageable age for women in line with that for men. A new development programme entitled Azerbaijan 2020 had been adopted, which included measures to prevent gender-based violence, create equal opportunities for women on the labour market, promote women at work and improve women's opportunities to occupy leadership positions. Specific training was given to employees of government agencies, public officials and members of the legal profession and judiciary on the Convention, its Optional Protocol and the Committee's general recommendations. Short advanced courses on gender policy were also held for senior officials.

5. Women were represented in all spheres of society. The Government had taken targeted measures to challenge prevailing stereotypes and encourage women's active

participation in political and public life, particularly at the local level and in rural areas. In that regard, solid partnerships were required with NGOs and to that end the President of Azerbaijan had established a State council to support NGOs, which provided financial support for several NGOs involved in the implementation of projects on gender equality, eliminating violence and preventing early marriage. A national forum for child leaders was held every two years, where girls worked together with State officials and members of parliament to share their opinions on issues that affected them and seek solutions to the challenges they faced. Efforts were being made to increase women's participation in politics and their representation in elections, and significant progress had been made at the municipal level.

6. The Government was striving to avoid disparity between the levels of education for women in urban and in rural areas. Government funding for education had tripled over recent years, and female students were encouraged to participate in programmes for study abroad. Steps were also being taken to promote preschool education. Gender studies had been integrated in higher education curricula and there was a newly appointed government representative for gender issues, whose main task was to achieve gender balance in the education system. Libraries for gender-related literature had been established, and training on gender equality was provided for university and school staff. The number of women in positions of authority in the education system and the judiciary was increasing.

7. A national programme for improving women's and children's health had been put in place for the period 2012–2020 and measures to introduce free health insurance for women and children were gathering pace. Efforts were also being made to promote a healthy and active lifestyle. In that regard, young women were encouraged to participate in a range of sports, including football, basketball and martial arts.

8. The enhancement of women's economic and social performance was being promoted, in particular through measures to encourage women's entrepreneurship and their involvement in business. To that end, funding sources for women in business were being increased, a mentoring system had been established and business forums, conferences and events were organized for women entrepreneurs. Particular attention was given to supporting entrepreneurship among internally displaced women and refugees. The promotion of women's economic activity had resulted in a considerable decrease in poverty rates.

Articles 1 to 6

9. **Ms. Haidar** requested further information on the achievement of substantive equality in the State party. She wished to know what steps were foreseen to bridge the gap between de jure and de facto equality. She wondered whether the Government would consider developing a national action plan for equality, one that included measures for monitoring and evaluation, and for overcoming entrenched stereotypes. She asked what measures were taken to ensure that the prohibition of discrimination covered indirect as well as direct discrimination. She wished to know whether there was any jurisprudence in the State party that interpreted legislation on gender equality to include indirect discrimination. The Committee had been informed that amendments to legislation on transparency in the use of funds by NGOs had placed real constraints on NGO activities. She was concerned that women's NGOs, already few in number, would be further marginalized by that legislation.

10. **Ms. Patten** welcomed the State party's intention to request technical assistance for the development of a national action plan on United Nations Security Council resolution 1325. She asked whether the Government was committed to ensuring that women's civil society organizations focusing on peace and conflict resolution would be involved in the development of that action plan. She also asked whether the Government intended to

include women as delegates in its mediation and negotiation efforts. She wished to know whether measures were being taken to ensure equal representation of women in decision-making at all levels, and whether the State Committee for Family, Women and Children's Affairs provided leadership training for women in post-conflict situations. While she did not wish to question the Government's military spending in relation to the ongoing conflict in Nagorno-Karabakh, she asked whether sufficient resources were allocated to meeting the needs of women and girls affected by that conflict. She also asked how gender sensitive the economic recovery strategy was and how it promoted women's empowerment. Turning to the situation of internally displaced persons, most of whom in Azerbaijan were women and children, she asked what programmes and policies were in place to ensure that displaced women could participate meaningfully in decision-making that affected them.

11. **Ms. Leinarte** asked whether the State Committee for Family, Women and Children's Affairs had a mandate to undertake gender impact assessments of draft policies, programmes and projects. Were mechanisms in place for collecting gender-disaggregated data? She requested further information on the mandate, functions and status of the various centres for the protection of women and how they interacted with the State Committee. She wondered whether the State party intended to adopt a national action plan for gender mainstreaming. Lastly, she asked what efforts the State Committee was making to monitor women's participation in politics at the local level, and whether any institutions for the advancement of women at the local level were to be established.

12. **Ms. Huseynova** (Azerbaijan) said that general recommendation No. 28, on the core obligations of States parties under article 2 of the Convention, was covered by training programmes for members of the judiciary. The State council to support NGOs provided funding for some NGO programmes, particularly those with a gender perspective, as long as the NGO concerned could make a case for the potential positive impact of the project. Azerbaijan had a vibrant and active civil society; grants could not be given to all NGOs, so it was important to identify needs and then to support those projects that could meet them.

13. Considerable efforts had been required to adopt the law on State guarantees of gender equality in a context of conflict and displacement. All State programmes were evaluated from a gender balance perspective by the State Committee for Family, Women and Children's Affairs, and were not adopted unless approved by that Committee. A countrywide network of gender focal points had been established, and experience had shown that those focal points were more effective if they had decision-making authority. The State Committee coordinated with the focal points on a continuous basis and monitored their activities.

14. Regarding a national plan of action for the implementation of United Nations Security Council resolution 1325, she said that a number of repatriation programmes were under way, and the women's coalition for the implementation of the resolution had been established in cooperation with UN-Women. Gender issues were taken into account in compulsory and elective curricula in all higher education establishments; gender studies had proved very popular, and not only with female students. The 11 family support centres did not address women's issues exclusively, since they were also open to men in need of support. Azerbaijan 2020 was one of the most important programmes currently under way in Azerbaijan, and included a strong gender component.

15. **Mr.** Faig **Gurbanov** (Azerbaijan) said that when the law on gender equality had been adopted, numerous other items of legislation had been amended accordingly. Legal texts were continually monitored for gender aspects. Legislation on funding for NGOs was being updated and extra funding to the tune of 11 million manats had been made available for NGOs dealing with family and children's issues. The rules on grants and donors for NGOs were being revised. The number of women in the judiciary and law enforcement was increasing. Efforts had also been made to guarantee equal access to justice.

16. **Ms. Haidar**, noting that the law on guarantees of gender equality provided for the implementation of temporary special measures, said that, in its report to the Committee, the State party acknowledged that the law had been underused. No such measures had been put in place, despite the fact that, in its general recommendation No. 28, the Committee stated that they should be adopted where appropriate. She asked how the Government intended to help disadvantaged groups that would benefit from special temporary measures and whether any multilateral bodies had offered support in developing such measures.

17. **Ms. Acar** said that, according to alternative sources, the National Action Plan on Women's Issues had not been published, the gender focal points were barely operational and the relevant staff were undertrained. She asked for further information on the National Action Plan. She also asked whether measures taken to tackle gender stereotypes had been evaluated in order to identify any gaps or challenges; how the Government was addressing the issues of gender inequality in the home and stereotyping in families; whether efforts were being made to eliminate stereotypical behaviour and attitudes through education and the media; and whether any proactive policy measures had been taken. She also requested information on awareness-raising and educational campaigns and on actions carried out in tandem with the media to do away with stereotypical representations of women. She asked whether it was true that educational materials containing gender stereotypes continued to be used and whether the Government had any plans to tackle that issue.

18. She asked whether the figures on violence against women mentioned in the delegation's opening statement, referred to the number of complaints brought or the number of actual court cases. She requested statistical data on the prevalence of violence against women in urban and rural areas and on related complaints, prosecutions and convictions. She also asked whether protective measures were available and how many had been granted since 2010. She asked whether the three women's shelters referred to were exclusively for victims of violence against women. She wondered when Azerbaijan would become a party to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

19. **Ms. Gabr** said that she would have liked to see gender parity in the State party's delegation. Any future delegation should contain a larger number of senior women officials.

20. She welcomed the progress made in combating trafficking in persons and asked whether any studies into its root causes were planned. She also asked whether the State party had worked with vulnerable families to raise their awareness of trafficking.

21. More data was required on street children, a section of the population that was at risk from trafficking. The Government should coordinate its efforts on trafficking in persons with the work of civil society groups. Lastly, she asked whether women police officials were involved in rehabilitating victims of trafficking and whether the authorities monitored online activities relating to trafficking.

22. **Ms. Leinarte** said that the State party's report failed to address the issue of prostitution in Azerbaijan and that, despite the 2009 concluding observations of the Committee, no research into the root causes of the problem seemed to have been carried out. She asked if any support initiatives for women and girls wishing to leave prostitution had been launched and requested information on the number of prostitutes and on the relevant legal framework.

23. **Ms. Huseynova** (Azerbaijan) said that, with regard to temporary special measures, a law had been adopted introducing a form of quotas in appointing women to high-level posts in both the public and private sectors and some progress had been made. A significant amount of work had been carried out at the grass-roots level to encourage women to stand in the recent municipal elections, and during the elections a telephone hotline had been set up for women to report discrimination and obtain legal support. A close relationship had

been established with women's rights NGOs and that approach would be replicated across the country during the 2015 parliamentary elections.

24. Under its new recruitment policy, the Ministry of Internal Affairs employed a large number of women. Quotas had been established for employing women with disabilities.

25. Work was being done within the judicial and police academies and in faculties of law on the implementation of legislation on gender equality and domestic violence. Training had also been provided to judges and judicial officials to ensure that they were familiar with the law on guarantees of gender equality.

26. A gender analysis of all the legislative structures of Azerbaijan with support from the Government of France, had been carried out as part of a European Union twinning project, and a new department responsible for analysing the situation of women generally had been created. Discussions on women's involvement in political life were being held with a number of political parties.

27. A national plan of action to tackle violence against women and safeguard their rights had been in place since 2007.

28. **Mr.** Firudin **Gurbanov** (Azerbaijan) said that gender issues were treated as a priority by the Ministry of Education. Work was under way on a new curriculum, up-to-date gender-sensitive teaching materials and strengthening of the role of education generally. Courses in gender and applied psychology were run at a number of higher education institutions and efforts were being made to eliminate gender stereotypes in education. A board had been set up by the Ministry to review textbooks, taking into account all aspects of gender policy.

29. **Ms. Huseynova** (Azerbaijan) said that the media were also helping with training to eliminate gender stereotypes; target groups included university students and schoolchildren.

30. The Istanbul Convention had been translated into Azeri and, once the necessary discussions had taken place at the national level, Azerbaijan could move towards accession.

31. **Mr. Zalov** (Azerbaijan) said that domestic legislation on trafficking in persons was being strengthened. Guidelines on the social rehabilitation of victims of trafficking in persons and their referral to the competent police unit had been put in place. A 24-hour telephone hotline providing help in English, Russian and Azeri for victims of trafficking had been set up, together with a fund for financial assistance to victims. Any complaints received through the hotline were investigated. Victims were provided with education, rehabilitation and medical care and a number of ministries were working together to combat trafficking in persons and to assist women and girl victims of trafficking. A third national plan of action to combat trafficking in persons had been adopted.

32. **Mr.** Faig **Gurbanov** (Azerbaijan) said that the media were cooperating in raising awareness of issues such as early marriage.

33. **Ms. Huseynova** (Azerbaijan) said that the various ministries worked closely with NGOs to raise public awareness of issues affecting women and girls, and police officials had also received training.

34. Although prostitution was not particularly widespread in Azerbaijan, victims of prostitution were provided with rehabilitation and psychological assistance. A centre had been set up to analyse the root causes of the problem. Legal and other assistance was provided to victims of prostitution in order to protect their rights. Despite the fact that the number of cases of prostitution had fallen over the past few years, a large number of State bodies were working to identify factors leading to prostitution. Prostitution, drug trafficking and trafficking in persons were linked to the recent conflict in the region and the status of the occupied territories, areas which were not under the control of the Government of

Azerbaijan. Azerbaijan had on several occasions asked the international community for help in monitoring illegal activities in the occupied territories.

35. **Ms. Haidar** asked for clarification regarding the regulations governing foreign and United Nations funding for NGOs. She wished to know whether the Regulations for State Control over Ensuring Gender Equality had been approved and how they would affect efforts to achieve gender equality. Lastly, she asked whether the training on gender issues provided to judicial officials had had any impact on recent case law.

36. **Ms. Leinarte** asked how many gender focal points had been established; whether they dealt with gender equality on a formal basis; and whether the officials concerned worked full or part-time. She also asked for information on the mandate and responsibilities of focal point staff and on how the focal points interacted with the various national and regional gender equality bodies.

37. **Ms. Gabr** asked whether there were any plans to carry out a social study into the root causes of trafficking in persons. She also wished to know how the authorities intended to address the issue of street children. She asked for information on women police officials responsible for assisting witnesses and victims of trafficking in persons.

38. **Ms. Acar** said that, when introducing new laws, it was essential to cooperate with bar associations and provide lawyers with training on the legislation in question, so that they could bring the new legislation to the attention of judges during trials. She would like to know what time frame was envisaged for accession to the Istanbul Convention.

39. **Mr.** Faig **Gurbanov** (Azerbaijan) said that legislation governing the NGO sector had recently been amended to clarify the provisions regulating the establishment and funding of domestic NGOs and branches of international NGOs active in Azerbaijan. Women were reasonably well represented within the judicial and prison systems, accounting for between 40 and 50 per cent of total officers on average but a far lower percentage in senior positions. Two of the nine constitutional court judges were women, including the co-chair. Similarly, in the Supreme Court and at the first-instance level around one in five judges were women. There were four women's prisons, which were staffed entirely by women.

40. **Mr. Hasanov** (Azerbaijan) said that representatives of the Ministry of Foreign Affairs and the State Committee for Family, Women and Children had been actively involved in the drafting of the Istanbul Convention and had made contributions which were reflected in the final text. Unfortunately, legislative, procedural and time constraints had prevented the Government from signing the Convention in Istanbul. However, it was firmly committed to doing so as soon as all internal procedures had been completed.

41. **Ms. Huseynova** (Azerbaijan) said that there were currently around 120 gender focal points in Azerbaijan. As the network was well established, changes to its structure, status and functioning were not easy to effect but the Government was looking at ways to endow the focal points with greater executive and decision-making authority. To that end, it had already decided to create a monitoring group for women's rights, similar to the already existing monitoring group for the protection of children's rights. The Government was also working closely with bar associations, particularly the Association of Women Lawyers, to increase awareness and understanding of gender-related issues and legislation and to bring more women into the legal profession.

42. **Ms. Haidar** asked when decision-making powers would be conferred upon the gender focal points and what training they would receive in the meantime to equip them for the exercise of those powers.

43. **Ms. Huseynova** (Azerbaijan) said that the gender focal points had already received extensive training with the support of experts from France provided under the European

Union twinning project mentioned previously. At the regional level the trade unions also assisted with training and capacity-building activities.

44. As to the Government's efforts to combat trafficking in persons, she said that comprehensive information about anti-trafficking and drug control initiatives could be found on the State party's official website. At present Azerbaijan was principally a country of transit for trafficking. A special software program that would enable the authorities to monitor Internet activity potentially linked to such offences was currently under development.

45. **Mr. Safarov** (Azerbaijan) said that the Internet monitoring program would serve as a tool in the fight against drug trafficking and domestic violence as well as the fight against trafficking in persons. It was being developed in line with international standards and should be operational before the end of 2015, although external technical assistance would be needed during the implementation stage in order to guarantee optimal security, inter alia.

46. **Ms. Ameline**, noting that the representation of women in parliament was currently far too low, asked whether the State party would use quotas or other alternative strategies to bring more women into elected office and ensure that they systematically had access to positions of responsibility, particularly in the public sector. Good progress had been made at the local level, but additional legislative measures might be needed to shore up that progress and accelerate the impact of awareness-raising initiatives at the national level.

47. **Ms. Huseynova** (Azerbaijan) said that the Government was examining other countries' experiences in using quotas prior to taking a decision. Historically, in Azerbaijan it was not an unwillingness to nominate women that had excluded them from office, but rather the situation of armed conflict that had prevailed for so long, preventing countless women from leading "normal" lives. Political parties were now more than ready to include women on their electoral lists; the challenge lay in how to ensure that those women were able to compete effectively. Specific initiatives launched in response to that challenge had included the production of a television series on female leadership and activism, the creation of a school for women leaders and the establishment of mentoring schemes. The NGO sector would also have a central role in the drive for parity.

48. **Ms. Halperin-Kaddari** said that she was concerned about measures which reportedly hampered the activities of NGOs, journalists and human rights activists, particularly women journalists and activists such as Khadija Ismayilova and Leyla Yunus. She wished to know what the State party was doing to guarantee the vibrancy and freedom of civil society and to protect journalists and activists, both in general and in the two specific cases mentioned.

49. **Ms. Huseynova** (Azerbaijan) said that the Government worked with the Association of Women Journalists of Azerbaijan to ensure the correct interpretation of provisions and measures and more generally to increase professionalism in the media. Offences allegedly committed by or against journalists or activists were duly investigated and subject to the same jurisdiction as other offences. The courts were fully independent and their decisions were not subject to external influence. The Ombudsman was also actively involved in ensuring that rights were not violated. However, claiming that an arrest was politically motivated should not be a means to escape prosecution. The cases mentioned involved criminal proceedings that were being conducted in the usual manner, in accordance with all usual due process guarantees.

Articles 10 to 14

50. **Ms. Nadaraia**, citing reports that pupils' families were sometimes expected to meet the cost of textbooks, uniforms and even school heating, asked how the State party ensured that lack of resources did not deny the children of underprivileged families a proper

education and what it was doing to tackle the scarcity of resources. Information about any action being taken to reduce the rate of school dropouts due to early marriage and about any plans to introduce sexual and reproductive health education into the secondary school curriculum would be appreciated.

51. **Mr. Bruun** said that he was concerned about the horizontal and vertical segregation evident in all sectors of the labour market, which was reportedly due, at least in part, to women's readiness to accept informal, part-time or low-paid work to avoid conflict with family responsibilities. He wished to know which of the various possible remedies — temporary special measures to accelerate de facto equality, gender mainstreaming in economic and social policy, the promotion of work-life balance through more widely available, affordable childcare and the introduction of compulsory paternity leave, inter alia — had been, or were being, considered.

52. He was also concerned about the fact that the principle of equal pay for work of equal value was not addressed in the 1999 Labour Code and was not fully reflected in the law on gender equality, which simply established the right to equal wages for men and women performing the same work in the same enterprise. He would like to know when those legislative lacunae would be resolved and what action was being taken to give practical effect to the principle in the meantime. He would also like to know what the State party was doing to narrow the gender pay gap, which was alarmingly high in certain sectors.

53. The fact that very few cases of gender-based discrimination had been reported by the Labour Inspectorate led him to ask what mechanisms were in place to ensure compliance with labour-related legislation and whether labour inspectors were expressly trained to recognize such discrimination and respond appropriately. Lastly, he would like to know: whether any cases of sexual harassment in the workplace had been identified and, if so, what action had been taken; what measures had been adopted to guarantee the right to work of young women with disabilities and other particularly vulnerable women; what measures were in place to protect the employment, pension and benefit rights of women who took career breaks or worked fewer hours while raising families; and whether the Government envisaged revising the national retirement age to eliminate the disparity between men and women.

54. **The Chairperson**, speaking as an expert, asked when the reproductive health bill would be adopted and what arguments were being used to delay its passage in spite of several readings in parliament and the very favourable opinion of the United Nations Special Rapporteur on violence against women. She would also like to know what was being done to ensure that the National Reproductive Health Strategy was effectively implemented; that young people were appropriately educated in family planning, reproductive health and modern methods of contraception; and that abortion ceased to be used as a primary means of fertility control. Lastly, she would appreciate information about Government efforts to remove the social stigma afflicting women living with HIV/AIDS; to further lower the infant mortality rate by improving perinatal care and reducing the number of home deliveries, inter alia; to address the specific health-care needs of internally displaced women and girls; and to ensure that adequate medical facilities and mental health services were available in settlements for internally displaced persons.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1280

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
24 February 2015

English only

Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1280th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 18 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Azerbaijan (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Azerbaijan (continued) (CEDAW/C/AZE/5; CEDAW/C/AZE/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Azerbaijan took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Mr. Mammadov** (Azerbaijan) said that Azerbaijan had been a member of the International Labour Organization (ILO) since 1992 and had ratified a number of ILO conventions, including the Maternity Protection Convention, 2000 (No. 183), the Workers with Family Responsibilities Convention, 1981 (No. 156) and the Underground Work (Women) Convention, 1935 (No. 45). The Labour Code contained a specific section on the protection of women's employment rights, with provisions even more progressive than those set out in international instruments. The Code prohibited employers from refusing to recruit women because they were pregnant or had children under the age of 3 years or from terminating the employment contract of pregnant women with children under 3 years of age or single mothers with children below school age if the position was their only source of income. It provided for the transfer of pregnant women to lighter work and protected them against exposure to arduous or hazardous working conditions, including night shifts. Reducing the wages of pregnant or breastfeeding women was also prohibited. Women were entitled to additional leave if they had more than one child under 14 or a child with disabilities under 16 years. Working women were entitled to 126 calendar days' paid maternity leave. Fathers who were raising children on their own and adoptive parents or legal guardians raising children under 2 months old were entitled to 56 days' special parental leave.

3. The State Labour Inspectorate was the body responsible for monitoring compliance with labour legislation and ensuring safe labour conditions for both men and women. The Government had ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and prohibited discrimination against women in respect of recruitment. Significant progress had been made with regard to the employment of female government officials, of whom there were currently more than 50,000.

4. Regarding persons with disabilities in Azerbaijan, of whom just under half were women, he said that, in 2009, Azerbaijan had become one of the first countries to ratify the Convention on the Rights of Persons with Disabilities. It had implemented an action plan and several laws on the protection of disability rights. A disability quota of 4 per cent was applied to companies with more than 100 employees and, in 2014, a vocational rehabilitation centre for young persons with disabilities had been established in Baku.

5. **Ms. Huseynova** (Azerbaijan) said that the Government had developed a range of programmes to promote female entrepreneurship and economic empowerment. In recent years, there had been a significant increase in the number of women in higher education studying non-traditional subjects such as economics, mathematics and chemistry. Steps had also been taken to address low university enrolment rates in certain regions of the country.

6. Turning to the issue of data collection, she said that a proposal had been formulated to expand the use of gender-disaggregated data under the State Programme on Poverty Reduction and Sustainable Development. The proposal had been submitted to the Cabinet of Ministers for its consideration.

7. Responding to questions about support for women with HIV/AIDS, she said that the Ministry of Health had set up a special fund and developed a strategy for the provision of psychological assistance and the elimination of discrimination. The Government had also launched a health-care campaign aimed at refugees and internally displaced persons, offered support to survivors of the massacre that took place in the town of Xocali in 1992 and, in 2012, opened a centre for victims of violence and trafficking. Reproductive health education had been given to girls in children's homes.

8. **Mr. Aghayev** (Azerbaijan) said that the bill on reproductive health, which had been given its first reading, was still under consideration. It included provisions on assisted reproductive technology and sperm banks. It was hoped that the bill would be submitted to the parliament for its approval in the near future.

9. The Government had formulated a policy to reduce the number of abortions, which, according to official figures, was around 200,000 in 2012. The Ministry of Health had developed clinical protocols on reproductive health and family planning and produced a textbook for medical students. Moreover, it intended to raise awareness among women of modern contraceptives and the harmful effects of abortion. The Family Code would be amended to provide for premarital medical checks to help lower the incidence of certain illnesses.

10. Adolescent sexual and reproductive health was considered a priority. Clinics had been opened for young people and students had been provided with information on the prevention of sexually transmitted diseases. In 2012, the Ministries of Health and Education had launched a pilot project on reproductive health education for secondary-school students. Lastly, a bill was being drafted to prevent HIV/AIDS and protect those affected by it from stigma and discrimination.

11. **Mr.** Firudin **Gurbanov** (Azerbaijan) said that the Constitution guaranteed the right of all citizens to education and that the State provided free and compulsory schooling. Private schools did exist but had to be accredited by the Ministry of Education. Under national legislation, refugees and children deprived of parental care were entitled to free tuition in secondary schools, with all costs borne by the Government. Refugee and disadvantaged families also received a government grant for uniforms and textbooks. The Ministry of Education supplied all primary-school textbooks free of charge and had provided 8 million secondary-school textbooks since 2010. It had also developed a website containing educational materials, including electronic versions of schoolbooks.

12. Turning to the question on the impact of early marriage on school dropout rates, he said that, in 2010, the Ministry of Education had launched a project in 11 districts of the country to provide training to teachers and raise awareness of the problem among students. The Ministry had evaluated the factors affecting dropout rates and responded accordingly by working with local authorities and conducting home visits.

13. In recent years, 200 schools had been built and others had been renovated to ensure that they met the highest construction standards, including with regard to heating, and a fund had been created to support the running of 25 orphanages for girls.

14. **Ms. Huseynova** (Azerbaijan) said that the situation of girls leaving boarding schools posed a particular problem and a programme had been launched to provide them with work and accommodation. In that connection, she noted that there was no sex discrimination for other groups requiring help with accommodation, such as war veterans and persons with disabilities. With regard to the question of health in remote areas, she said that a mobile cancer unit had been set up, which had proved extremely effective in diagnosing cases of the disease and referring women for treatment and support. Mobile ambulance units had also been established, which were capable of carrying out small operations, and performed an invaluable service in rural areas, especially for older people, the majority of them

women. The service was well publicized on television and enjoyed wide public support. As for the question of schools in remote areas, she said that, although there still existed schools that were heated by firewood, that was true of only a handful. As the economic development of Azerbaijan increased, mains water, electricity and gas reached nearly all areas.

15. **Ms. Patten** said that she was concerned by the link between the high abortion rate in Azerbaijan, as indicated in paragraph 123 of the State party's report, and sex selection. She was aware that the abortion rate was due to a combination of factors, but sex selection skewed sex ratios and led to the further aggravation of sexual inequality, with a consequent far-reaching impact on society and the economy. She asked what position the Government took on abortion for sex selection and how it countered the pressure on women from their partners or families to abort female foetuses. She asked what support was given to women to make an informed choice and what advocacy was available to health-care providers.

16. **Ms. Haidar** said that, further to Ms. Patten's comment, the data of the State Statistical Committee showed that, although the sex ratio had fallen since the turn of the millennium, it remained high, at 116 men to 100 women. The country's population growth had been affected for two decades. She asked whether the Government had any plans to rectify the situation and whether it acknowledged that there was a problem owing to patriarchal attitudes in the country.

17. **Mr. Bruun** said that he had received no answer to his questions about pensions and the retirement age.

18. **Ms. Huseynova** (Azerbaijan) said that the State Committee for Family, Women and Children's Affairs took the question of sex-selective abortion very seriously and, when it had received the relevant data, it had taken action with television commercials and outreach in schools and universities. Gender centres had been established, where the topic was constantly under discussion. She denied, however, that patriarchal attitudes were the norm: women were treated on an equal footing with men. Her Committee was researching sex selection, in partnership with international organizations, and its findings would be thrown open for public consideration. Monitoring procedures had been set up in various institutions and, on the basis of the research results, a decision on further action could be made.

19. **Mr. Mammadov** (Azerbaijan) said, with regard to the pensionable age, that, between 1 January 2010 and 1 January 2016, the age had increased by six months every year, starting at the base of 57 years of age. Thus, in 2014, the age was 59 and would reach 60 in 2016. A person who had paid insurance premiums for 12 years or more was entitled to a full pension. He added that, of the economically active population, women made up 48.8 per cent, as against 51.2 per cent of men.

20. **Ms. Pomeranzi** said that the State party's report provided only partial information on the action taken to reduce the vulnerability of women and provide equal economic opportunity. The quality of a person's economic activity was crucial: a woman might obtain employment with relative ease but enjoy no upward mobility or opportunities, especially in business. There were several impediments to women's progress. For example, according to the World Bank, in 2011 only 15 per cent of women had bank accounts and in 2012 only 29 per cent could be recipients of a microfinance loan. According to other sources, only 3 per cent of women owned their own businesses. Women could not provide collateral, because gender stereotypes dictated that they were incapable of managing money. She asked what action would be taken to raise the awareness of private-sector banks and companies of gender needs and what programmatic intervention could be made, especially at the local level, where discrimination started.

21. **Ms. Gabr** said, further to Ms. Pomeranzi's remarks, that independent research had found that women in Azerbaijan were unable to get credit or microfinance and generally

suffered from a lack of resources and skills. Stereotypes were slow to die out. Additional problems were caused by early marriage. She asked what steps the Government was taking to encourage women into gainful employment, particularly in rural areas, since rural unemployment pushed people to migrate and laid an even greater burden on women. An innovative approach was required.

22. **Ms. Huseynova** (Azerbaijan) said that her colleague, Ms. Hasanova, Deputy Minister of Economic Development, was living proof that women could contribute to the country's economic development, which was a priority for Azerbaijan. Indeed, the more development enjoyed by women the less vulnerable they were to violence and discrimination. In April 2015, the Government would be holding the second of two conferences on economic development. As for the question of credit, she said that Azerbaijan had not long been an independent country and the private sector was small for both men and women. It was completely incorrect, however, to say that women had no access to banks or credit. Wages and pensions were paid through banks. She did not understand what material the independent research had drawn on. On the contrary, action had been taken over the years 2010 to 2014 to develop small and medium-sized enterprises in rural areas. One pilot project had been so successful that many other districts were clamouring for the same treatment. A project entitled "Start your own business" had provided training for 300 women in 2014 and 35 had been given grants to set up their own businesses. Resource centres had also been set up.

23. **Ms. Hasanova** (Azerbaijan) said that many challenges remained in Azerbaijan, where a greater proportion of men were entrepreneurs. However, she was pleased to report a positive dynamic, with the number of female entrepreneurs having grown from 81,000, or 17.8 per cent of the total in 2013, to 99,000, or 19 per cent, in 2014. In the forums on women entrepreneurs convened by the State Committee for Family, Women and Children's Affairs she had been struck by how active women were in business in Azerbaijan and therefore she was optimistic about their future. A great deal of support was available for business development in Azerbaijan and women entrepreneurs had participated in building a private sector which, almost non-existent at the time of independence, had come to represent more than 80 per cent of the country's economy.

24. Incomes had risen considerably in the previous decade, living standards had improved and the incidence of people living in poverty had been reduced from 50 per cent at the turn of the millennium to under 5 per cent. The increase in public procurement contracts had also opened up considerable opportunities for private businesses and women entrepreneurs. Azerbaijan had enjoyed macroeconomic stability over the previous decade, with low inflation, a positive economic growth rate, a stable currency and low external debt. In addition to the favourable economic climate, the streamlining by the Government of the procedures required to open a business were of benefit to women. Business taxes had been reduced and hardly existed in the agricultural sector, including food processing, in which a significant and increasing proportion of women were employed. It was true that women still experienced difficulty in obtaining large loans, although the Government was tackling the problem by providing soft loans to women entrepreneurs and by funding regional credit unions that gave access to loans without the need for collateral. The World Bank data on the share of women with bank accounts cited earlier were outdated, since all female pensioners received a debit card free of charge from the Government and all working women were provided with bank cards through their employers. Government subsidies were provided to persons working in the agricultural sector through direct deposits to bank accounts that were also provided free of charge.

Articles 15 and 16

25. **Ms. Halperin-Kaddari** said that although the State party had been commended for having raised the minimum age for marriage for women, it was troubling that girls as young as 12 years of age continued to leave school in order to be married. The minimum age for marriage had been raised under the Criminal Code and she wished to know how it had been enforced; experience had shown that such changes must be accompanied by comprehensive programmes that included awareness-raising and strong implementation measures. She asked who would be punished for enabling an early marriage, including the parents or the religious authorities, and whether any proceedings had been brought for violations of the amended Code. Similar concerns existed with respect to the wider problem of unregistered religious marriages; perhaps stricter penalties, including the punishment of religious officials, would be appropriate. The children of unregistered married couples were considered to have been born out of wedlock; she wished to know what consequences that dubious status had, including for their right to be registered at birth and their rights with respect to their fathers. She urged the State party to bring its legislation into line with general recommendation No. 29 of the Committee on the economic consequences of marriage, family relations and their dissolution.

26. Concerning marital property, she noted that less than half of 1 per cent of all couples entered into prenuptial agreements. She asked whether the State encouraged prenuptial agreements and whether women were advised of their rights and of the consequences of not entering into them. The most common matrimonial regime in the absence of an agreement appeared to be partial community of property: she wished to know how such property was divided upon divorce, including deferred compensation such as pensions or insurance premiums. Under the new employment-based State pension scheme, women would be entitled to considerably fewer pension benefits than men in view of their limited participation in the labour market and divorced women would be left with even less if the marital property regime did not include pensions.

27. **Ms. Huseynova** (Azerbaijan) said that the earliest marriages that had been recorded in recent years involved girls aged 16, an age that her Government considered to be too early for marriage. However, it was wrong to suggest that girls under the age of 16, much less girls as young as 12, had been married off. In 2011, some 5,130 early marriages had been registered. In 2012, that number had fallen to 295 and in 2013 to 229. The rapid decline in the number of early marriages between 2011 and 2014 could be attributed to the change in the law and to national awareness campaigns in schools and public information films. Research on early marriages had been shared with the general public. Records of forthcoming weddings were kept at the regional level and, when a potential early marriage was suspected, the families concerned were visited by officials who explained the legislation and the criminal responsibility involved. Over the previous year, eight early marriages had thus been prevented.

28. Prenuptial agreements were gradually being taken up in increasing numbers. Marital property was divided equally upon divorce, even where the women had not worked. Women could appeal against court decisions on the distribution of assets if they believed that the divorce settlement was unfair.

29. Azerbaijan was a secular country and religious marriages were not recognized by the State. Religious ceremonies could be performed once a civil marriage had been recorded. Instances where the law had been flouted were rare.

30. Isolated cases of early marriage persisted and families sought to hide them from the authorities in order to avoid prosecution. Action was being taken to identify the couples concerned and to invite them to register their marriages and the births of their children. Some women in unregistered marriages had suffered from domestic violence.

31. **Mr.** Faig **Gurbanov** (Azerbaijan) said that the provisions of the Convention were reflected in various laws in Azerbaijan and they were applied by the judiciary. The Government had launched initiatives to challenge gender stereotypes and to combat discrimination. Religious marriages had no legal effect in Azerbaijan. Monitoring mechanisms were in place to ensure that the birth of children of parents in unregistered marriages was duly registered.

32. **Ms. Huseynova** (Azerbaijan) said that under the amended Criminal Code attempted forced marriages were punishable by up to 2 years in prison or a fine of up to 3,000 euros and by 4 years in prison and a fine of 4,000 euros if the offence had already been committed against the minor. The parents of children and any other family members involved in forcing children into early marriage were liable to such punishment under the law. The decline in early marriages in recent years was a testament to the deterrent effect of the amended legislation and accompanying awareness-raising.

33. **Ms. Pomeranzi** said that, while she noted the credit facilities provided to women entrepreneurs, she would have preferred to see more widespread information campaigns that promoted women in business and the economic empowerment of women.

34. **Ms. Huseynova** (Azerbaijan) said that, as there was blanket insurance coverage of the population, insurance premiums were not factored into marriage contracts. Notwithstanding the marriage contract, if a widow did not work she was entitled to apply for her husband's pension. However, divorced women were not entitled to a share of their former spouse's pension. All children born out of wedlock had the right to child maintenance from their recognized fathers and appeals to the courts could be made if they did not receive such support. Lastly, awareness campaigns and workshops to increase the number of women in business were held in rural areas and not just in major cities.

35. **The Chairperson** said that she was grateful to the delegation for its constructive dialogue with the Committee, which had provided further insight into the situation of women in Azerbaijan, and encouraged the State party to take all necessary measures to implement the various recommendations of the Committee.

The discussion covered in the summary record ended at 5.10 p.m.

United Nations CEDAW/C/SR.1281

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
24 February 2015

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record of the 1281st meeting
Held at the Palais des Nations, Geneva, on Thursday, 19 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Ecuador

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Ecuador (CEDAW/C/ECU/8-9; CEDAW/C/ECU/Q/8-9 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Ecuador took places at the Committee table.*

2. **Ms. Vaca Jones** (Ecuador), introducing the combined eighth and ninth periodic reports of Ecuador (CEDAW/C/ECU/8-9), said that the composition of the delegation testified to genuine equality of access to political participation and decision-making positions. Ecuador had come a long way in the area of women's rights thanks to a collective process involving women's organizations, civil society and the State. Ecuador had adopted a new Constitution in 2008, based on the principle of harmonious coexistence among different communities and the environment. The Constitution recognized the rights to formal and substantive equality and non-discrimination, rights that were enforced through a range of policies and programmes, including the National Development Plan.

3. Another important step forward had been the promulgation of a law establishing the Council on Gender Equality as the mechanism responsible for formulating and monitoring public policies and laws for the advancement of women. Efforts were being made to further strengthen the capacity of the Council, but it had already conducted a national survey on family relations and gender violence, created a satellite account to calculate the contribution to the economy of women's unpaid work, and drawn up the National Agenda for Women and Gender Equality 2013–2017.

4. The National Assembly, meanwhile, had adopted measures for the legal protection of women's rights on an equal basis with men, including laws providing for the implementation of the Convention and regulations on sexual harassment, equal political participation and sexism in the media.

5. The revised Criminal Code of August 2014 classified acts of hatred or discrimination on grounds of sex or sexual orientation as offences and set penalties for offenders. Domestic, physical, sexual and psychological violence against women were also considered offences. Special courts and units for violence against women had been established within the justice system and judges had received appropriate training. Femicide was punishable under the Code and protocols for the investigation of violent deaths among women had been implemented, leading to the first conviction for femicide in December 2014.

6. Special units had been set up in the Attorney-General's Office to investigate and advise on cases of sexual and domestic violence. Victims, particularly those with low incomes, were offered judicial protection by the Public Defender Service and had access to a network of care centres and shelters, which had been given increased funding by the Ministry of Justice in 2015. Moreover, the Ministry of the Interior provided an emergency response to cases of violence against women, through community police units.

7. The gender perspective had been incorporated in many of the objectives, policies and guidelines of the National Development Plan, whose implementation was covered by two key instruments, the Guide to Sectoral Public Policies and the Atlas of Socioeconomic Inequalities. Other important instruments included an online information system set up to raise awareness of human rights among State officials and the general public. It contained all international human rights treaties ratified by Ecuador and the concluding observations and recommendations of treaty bodies. In addition to the Council on Gender Equality, there

were gender mechanisms in all three branches of government. In November 2014, the National Agreement to Combat Gender Violence had been signed to coordinate the efforts of all branches of government to eradicate violence against women.

8. With regard to women in vulnerable situations, she said that in June 2012 the Office of the United Nations High Commissioner for Refugees (UNHCR) had launched a campaign entitled "*Gracias, Ecuador*" ("Thank you, Ecuador"), in recognition of the country's openness to refugees. As to women deprived of their liberty, in February 2015 there had been around 1,600 female detainees, all of whom had been granted access to sexual and reproductive health services, legal advisory services and distance learning programmes. In January 2015, the Government had adopted a comprehensive policy on sexual and gender diversity.

9. The Public Service Organization Act and the Plurinational Plan to Eliminate Racial Discrimination and Ethnic and Cultural Exclusion provided for temporary special measures to promote the inclusion of persons with disabilities, ethnic minorities and women in public authorities and institutions. Women were well represented in the National Electoral Council, Electoral Court and National Court of Justice.

10. In response to recommendations from the Committee, Ecuador had undertaken to change discriminatory social and cultural patterns and tackle gender stereotypes and prejudices, not least through the establishment of the National Plan to Eradicate Gender Violence against Women, Children and Adolescents. The Government also monitored drug rehabilitation clinics to protect lesbian, gay, bisexual, transgender and intersex (LGBTI) persons from discriminatory practices, and prosecuted anyone found to have violated human rights.

11. As part of efforts to prevent human trafficking, bilateral agreements had been signed with neighbouring countries and training had been provided to State officials, police officers and public prosecutors through the national plan to combat human trafficking, smuggling of migrants, sexual, labour and other forms of exploitation, and prostitution of women, children and adolescents, child pornography and corruption of minors. Offences committed under duress by victims of trafficking were not punishable under the Criminal Code.

12. The Government guaranteed the right of women to vote and participate in public and political life on an equal footing with men. Significant progress had been made with regard to the representation of women in the National Assembly, the diplomatic service and the Ministry of Foreign Affairs and Human Mobility. Under article 6 of the Constitution, women also had an equal right to acquire, change and retain their nationality.

13. Ecuador had achieved universal basic education for children aged 5 to 14, with an enrolment rate of 96 per cent. The Organic Act on Intercultural Education had been adopted to guarantee non-discrimination and the Ministry of Education had worked to eradicate illiteracy, particularly among rural indigenous women, resulting in a reduction in the illiteracy rate from 9 per cent in 2001 to 3.54 per cent in 2014. Grants were available for women in higher education, where there had been an increase in the numbers studying non-traditional subjects such as physics.

14. Ecuador was also committed to guaranteeing gender equality in the workplace. For domestic workers, wages had increased, working hours had been capped and social security had been made compulsory. Of the 200,000 female domestic workers in the country, 48 per cent had social security coverage, and the number of women overall with social security coverage was growing year by year. In November 2014, the Government had proposed a law to further increase coverage and improve job security. In 2011, the Ecuadorian Social Security Institute had, for the first time, granted a widow's pension to a lesbian woman following the death of her partner. The Government also encouraged the recruitment of

persons of different nationalities through the Institute for the Ecodevelopment of the Amazon Region.

15. Investment in the health sector had increased by 84 per cent between 2006 and 2014, with particular emphasis placed on sexual and reproductive health. Numerous plans, protocols and guidelines were in place to improve maternal health and reduce maternal mortality, which had fallen significantly since 2011, thanks in part to the availability of prenatal care. The Ministry of Health had developed a programme to combat gender and sexual violence against women and girls, while health workers, whose reports could be used in legal proceedings as a means of preventing revictimization, received training in human rights and gender violence.

16. Steps had been taken to reduce adolescent pregnancies through sex education and better access to sexual health services and modern contraceptive methods, including emergency contraception, which was provided free of charge. The Ministry of Health had put in place programmes to prevent and treat HIV/AIDS, notably through its 32 treatment centres offering free antiretroviral therapy and services to prevent mother-to-child transmission. It had also launched campaigns for the prevention, early diagnosis and treatment of breast and cervical cancer.

17. Between 2007 and 2014, great strides had been made in the economic and social sphere, helping to lift more than 1.5 million Ecuadorians in rural and urban areas out of poverty. One component of the Government's strategy had been the Human Development Bond Cash Transfer, which provided payment for unpaid productive work. Women accounted for 95 per cent of recipients and also received financial recognition for caring for persons with disabilities. Regarding initiatives to promote women's access to income-generating activities, she drew the Committee's attention to articles 231 and 232 of the State party report and said that there were numerous plans and programmes to enhance the living conditions of rural women.

18. Women's right to equality before the law was enshrined in the Constitution, notably articles 67 and 69. Since September 2014, in response to requests from the LGBTI community, same-sex couples had been able to register their civil union on national identity cards. Lastly, the Government had endeavoured to eliminate discrimination against women in matters relating to marriage and family relations by, inter alia, guaranteeing equal rights in the administration of marital partnerships and drafting a bill amending the Civil Code to set the marriageable age at 18 years for both men and women.

Articles 1 to 6

19. **Ms. Pomeranzi** enquired about the rationale behind the decision to subsume all the pending legislative initiatives on discrimination and gender violence that had been mentioned in the State party report into the revised Criminal Code of 2014. She asked why the Code did not place greater emphasis on the reproductive rights of women, how the Code was interpreted by the traditional justice system and why abortion was still illegal except in certain exceptional cases.

20. **Ms. Haidar** asked whether the Government intended to strengthen the Council on Gender Equality to ensure local-level participation in decision-making processes and consistency among regions with regard to policy implementation.

21. **Ms. Pomeranzi** said that she would appreciate information on the extent to which women and women's NGOs were able to influence decision-making and policy implementation at the local level. The delegation should also elaborate on the budget for gender equality, which had reportedly decreased, and indicate whether there was a national authority responsible for monitoring its implementation.

22. **Ms. Vaca Jones** (Ecuador) said that, with regard to the legislative reform process, she wished to highlight that the domestic legal framework had historically been very dispersed and that a central aim of the reforms had been to bring various pieces of legislation together under one umbrella. That was the rationale behind the decision to subsume so many norms within the Criminal Code.

23. **Ms. Godoy** (Ecuador) said that all forms of violence against women had been criminalized in the constitutional reforms of 2008. In addition, article 81 of the new Constitution provided for the use of special expedited procedures for certain offences, including domestic violence, sexual offences, hate crimes and offences against persons who, because of their special characteristics, required greater protection. Those reforms had fuelled the discussion which had ultimately led to the incorporation within criminal legislation of conceptual definitions of all forms of violent behaviour that might constitute or contribute to the commission of an offence.

24. **Ms. Vaca Jones** (Ecuador), turning to the question of abortion, said that article 45 of the new Constitution conferred upon children and adolescents the rights common to all human beings, and upon the State a duty to guarantee life, care and protection "from the moment of conception". In application of that article, the Government endeavoured to prevent any form of violence, including in the specific case of abortion. However, it also recognized its duty of care towards vulnerable women and to that end had drafted a guide to best clinical practice for the diagnosis and treatment of spontaneous and therapeutic abortion.

25. After a decade of political and institutional instability, the Government was working to build strong, stable institutions that were guided by clear, consistent, cross-cutting policies. The national equality councils established to guarantee that all policy cut across all sectors and institutions and agencies were a key component of the new apparatus.

26. **Ms. Quintana Zurita** (Ecuador) said that the Gender Equality Council worked at the highest level of government to mainstream gender in national, sectoral and intersectoral policies. It was composed of representatives of State agencies and civil society organizations. It had been allocated sufficient resources for the transition period but would face a number of challenges in the future, including capacity-building for the institutions responsible for policy implementation and for the advisory councils through which it would promote the active participation of women's organizations. Dialogue with the NGO sector was ongoing at both the national and the regional levels.

27. **Ms. Vaca Jones** (Ecuador) said that grassroots participation was one of the guiding principles of government initiatives and was central to the country's political consolidation. For example, local health councils cooperated with the primary health-care services throughout the country, providing a link between local communities and national-level service providers.

28. **Ms. Pomeranzi** asked how the State party ensured harmonization between institutional and traditional justice mechanisms, as well as familiarity with the Convention and the Committee's concluding observations among State officials and across society in general. She would also like precise information about the resources and functions of the Gender Equality Council, and the mechanisms through which it interacted with the highest levels of government.

29. **Ms. Pimentel** said that the text of article 45 of the Constitution did not, in her view, preclude the possibility of legal abortion in the case of pregnancies resulting from sexual violence. She urged the State party to reconsider the prohibition in cases where the law was in conflict with a woman's fundamental rights to life and physical and mental health, noting that the American Convention on Human Rights already provided for such exceptions, in

that it stipulated that the right to life should be protected by law "in general" from the moment of conception.

30. **Ms. Haidar** said that the State party should consider the need for accountability as well as authority and resources as it continued to develop the role and functions of the Gender Equality Council.

31. **Ms. Schulz** asked whether the legal bases for cases brought against clinics offering so-called de-homosexualization treatments would include the articles of the new Criminal Code that dealt with discrimination, hate crimes and abduction, and whether the State would continue to intervene until such treatments ceased to be available.

32. **Ms. Jaramillo** (Ecuador) said that the texts of all international instruments to which Ecuador was a party and the concluding observations of treaty bodies were available for public consultation via a digital platform developed with support from the Office of the United Nations High Commissioner for Human Rights (OHCHR), in fulfilment of recommendations made in the universal periodic review in 2012.

33. **Ms. Peralta** (Ecuador) said that the Council of the Judiciary had issued guidelines for domestic violence cases which took account of the cultural and patriarchal obstacles faced by women living in traditional indigenous communities. In drafting those guidelines, the bar association had sought to align the traditional forms of justice provided for in the Constitution with regular judicial mechanisms.

34. **Ms. Vaca Jones** (Ecuador) said that the State's budget allocation mechanism had recently been revised to facilitate gender-responsive budgeting. Social expenditure had increased four-fold under the current Government. The new equality councils made it possible to focus public policies on equality issues, since individual ministries were under an obligation to reflect the equality councils' agendas in sectoral policies.

35. The de-homosexualization treatments mentioned by Ms. Schulz had been offered by anti-addiction clinics. Having rescued over 700 persons in the course of around 120 inspections, the Ministry of Health had made it clear that treatments of that kind were not permissible. Each individual case would be duly investigated and judged in accordance with the circumstances. She undertook to ensure that Ms. Pimentel's suggestion for a less restrictive interpretation of the right of life received due consideration.

36. **Ms. Halperin-Kaddari**, praising the impressive levels of representation that women had achieved in the judiciary and national government, asked what the State party was doing to attain similar levels in decentralized authorities. Since the constitutional provisions governing gender parity and alternation appeared to be identical for national and local elections and electoral lists that did not comply with those provisions were not, in principle, admissible, she was concerned that the disparities might be indicative of a lack of enforcement mechanisms.

37. She would also appreciate information about affirmative action measures being used to prevent multiple discrimination against women from indigenous, Afro-descendant and other minority communities, as well as clarification as to how the provisions on the situation of carers and family makers in the Organic Act on the Grassroots Economy and Solidarity served to advance the status of women and in what way they constituted temporary special measures.

38. **Ms. Acar** asked what the State party was doing to eliminate discriminatory social and cultural norms and modify stereotypical conceptions of male and female roles, as it was required to do under article 5 of the Convention. Information about any specific campaigns would be appreciated. The State party also needed to take action to prohibit the marriage of girls as young as 12, as currently permitted in the Civil Code. Such marriages implied support for women's subordination and should be viewed as forced marriages. She asked

when the Civil Code would be amended to eliminate those harmful and discriminatory provisions.

39. **Ms. Pimentel** said that, while the adoption of the National Plan to Eradicate Gender Violence was a positive step, amendments to the legislative framework for combating such violence were still required. For example, the Criminal Code failed to establish the special expedited procedures which, according to the Constitution, should be used for offences of intrafamily sexual violence. As a result, the victims of such offences had to endure the convoluted, emotionally draining four-stage procedure established for criminal offences such as fraud, robbery and murder. The precautionary measures envisaged in the national plan should also be defined more precisely in law.

40. She would also like to know: whether a specific budget had been assigned to implementation of the National Plan; whether the overall budget for combating domestic violence had been increased following the Plan's adoption; whether civil society was involved in its implementation; and what measures were in place to ensure that incidents of sexual violence in schools were duly investigated and penalized.

41. **Ms. Leinarte**, referring to the obstacles to effective implementation of the national plan against trafficking in persons which the State party had highlighted in its replies to the list of issues (CEDAW/C/ECU/8-9/Add.1), said that more detailed and up-to-date information on the specific working agendas reportedly adopted to overcome those obstacles was needed. She asked whether work to create a national database that used more precise indicators was under way, and whether the 2014 amendments to the Criminal Code which permitted wiretapping and undercover investigation and doubled the minimum sentence for traffickers had yielded observable results in the prevention of trafficking. She would also like details of the legal alternatives to the repatriation of foreign victims of trafficking established in the new Criminal Code, and of any provisions that might allow those victims to remain in Ecuador, at least temporarily, without being vulnerable to sexual and other forms of exploitation. Were the services provided to them through the network of non-specialized government centres and shelters adequate? Lastly, she asked to what extent prostitution was considered legal in Ecuador, what measures were in place to monitor the activities of brothels, and whether any support was available to women wishing to leave prostitution.

42. **Ms. Vaca Jones** (Ecuador) said that women remained underrepresented in politics at the local level, in particular in provincial government.

43. **Ms. Godoy** (Ecuador) said that in recent years the proportion of female political candidates had increased to 25 per cent. The issue of single-person electoral lists had opened up a debate on the reform of democratic practices. New electoral processes would be established in 2019: in the interim there would be much discussion on how to encourage women's participation.

44. **Ms. Vaca Jones** (Ecuador) said, with regard to women at work, that quotas were in place for the employment of women, which were monitored by the Ministry of Labour Relations. A mechanism had been set up to provide women entrepreneurs with credit, which could come in the form of monthly transfers or a lump sum. Efforts were being made to extend social security coverage to women who had previously fallen outside the system, such as own-account workers and women doing unpaid work in the home, for example as carers. On measures to eradicate gender stereotypes, she said that community outreach campaigns were being run. Steps were being taken to end sexual violence in education, and education on gender-based violence was being conducted for those employed in the public sector, including medical staff, paramedics and teachers.

45. **Ms. Godoy** (Ecuador) said that the new Criminal Code provided for special procedures in cases of sexual violence, domestic violence or hate crimes, and for crimes

against children, the elderly, or people with special needs. Victims of those offences had the right to special protection, including compensation and witness protection schemes. In physical examinations, for example, or the taking of witness statements, victims of domestic violence and sexual offences were given special treatment, different from the treatment of victims of other offences, so as to avoid revictimization. One of the results of the criminal law reform had been the establishment of special units within the prosecution service to deal with domestic or family violence.

46. **Ms. Peralta** (Ecuador) said that, under the revised Criminal Code, special units had been established in prosecutorial services to address violence against women and domestic violence. Those units comprised a multidisciplinary team, including judges with training on domestic violence, social workers, psychologists and specially trained physicians. Measures were in place to expedite trials in cases of domestic violence. An agreement had been concluded between the three branches of government, which made for a harmonized, cross-sectoral approach to addressing domestic violence.

47. **Ms. Godoy** (Ecuador) said that measures were being taken to revise legislation in order to raise the legal minimum age of marriage to 18, in line with the age of majority. As to violence against women and the family, "violence" was considered to be any act of psychological, physical or sexual ill-treatment, while "family" was defined as partners, parents, siblings, aunts, uncles and cousins, and any person with conjugal or cohabitation links with the accused.

48. **Ms. Vaca Jones** (Ecuador) said that steps were being taken to provide gender equality and non-discrimination training for civil servants in the executive and judicial branches.

49. **Ms. Jaramillo** (Ecuador) said that the national plan against trafficking was led by the Ministry of the Interior and had three components: prevention; protection and restitution of the rights of victims; and investigation and punishment. In 2014, 70 victims of trafficking had been rescued and criminal charges had been brought in 40 cases. A national campaign to raise awareness of the crime of trafficking was being run by the Ministry of the Interior: it included work with schools and outreach among poor and indigenous families. Labour trafficking had been eliminated, as had begging among children. Safe houses had been established for victims, and efforts were made to ensure family reunification.

50. **Ms. Vaca Jones** (Ecuador) said that her Government acknowledged the importance of action to address sexual abuse in the education system. Measures were in place to provide immediate support for victims of sexual violence and provide any medical assistance they might require. There were some 3,500 student counsellors' units around the country. Procedures were in place to protect student victims in the event of sexual abuse by a teacher or employee in the education system, and to ensure that complaints received a response within 48 hours. If found guilty of abuse, the staff member would be dismissed and the student concerned would receive counselling. Turning to the issue of prostitution, she said that mechanisms had been put in place by the Ministry of Health to provide monthly sexual and reproductive health checks for sex workers and to inspect brothels to ensure that health standards were met.

51. **Ms. Peralta** (Ecuador) said that measures had been taken to raise awareness of gender issues among members of the judiciary at all levels: more than 700 judges and prosecutors and more than 1,000 clerical and technical staff had received training.

52. **Ms. Pimentel** asked whether members of the judiciary received training on the content of the Convention and the Committee's general recommendations, in particular general recommendations Nos. 19 and 24. While she welcomed information on measures to streamline responses to cases of domestic and gender-based violence, she wondered how

protection was guaranteed for women victims of violence who went to the police to report cases, rather than to the prosecutor's office, since they were no longer able to obtain immediate protection from the police but would have to wait until they got to the prosecutor's office.

53. **Ms. Schulz** asked whether the extended penalty for the crime of femicide might be considered discriminatory, since it was so much heavier than the penalty for homicide, and whether that could impede Ecuador's efforts to combat violence against women. She asked how the State party would ensure the standardized application of the provision across the country: how could it be proved that the victim had been killed on grounds of gender?

54. **Ms. Halperin-Kaddari** pointed out that while the new social security framework to cover women working outside the formal labour market was necessary and very welcome, it did not constitute a temporary special measure under the Convention.

55. **Ms. Arocha Domínguez** asked how consistency in addressing multiple discrimination was ensured by the various State bodies concerned. She asked how the State party worked with the media to overcome stereotypes and stigmatization, particularly in respect of female migrants.

56. **Ms. Leinarte** requested further information on the new provisions to address trafficking in persons and the safe return of victims under the revised Criminal Code. She asked whether safe houses were open to victims of trafficking only or to all victims of violence.

57. **Ms. Peralta** (Ecuador) said that training courses on violence against women and violence in the family were provided for members of the judiciary at all levels and contained information on the provisions of the Convention. The special police stations for women that had existed before the revision of the Criminal Code had been replaced by family violence units in prosecutorial services in cities. Consideration was being given to how to extend that system to remote areas and involve the health-care sector, to ensure the widest and most comprehensive support possible for victims.

58. **Ms. Vaca Jones** (Ecuador) added that the Committee's general recommendations were also covered in training courses for the judiciary.

59. **Ms. Godoy** (Ecuador) said that articles 141 and 142 of the new Criminal Code defined aggravating circumstances specific to the crime of femicide that made it possible for such crimes to be prosecuted and tried as crimes of gender violence and not as homicide.

60. **Ms. Peralta** (Ecuador) said that a streamlined, coordinated procedure was in place to investigate and try cases of femicide and hand down convictions.

61. **Ms. Vaca Jones** (Ecuador) said that her Government considered social security to be a fundamental right for all citizens and was therefore taking action to include women formerly excluded from social security coverage. A number of strategies were in place to address multiple discrimination, including a new media law that promoted inclusiveness and prohibited and penalized discrimination on any grounds. To date five court rulings had been issued in that regard. Strategies to counter discrimination were being forged in various sectors, including with regard to equal access to housing, education and health care. The National Plan to Eradicate Gender Violence against Women, Children and Adolescents provided for a cross-sectoral approach to truly eliminate gender discrimination.

62. **Ms. Jaramillo** (Ecuador) said implementation of the National Plan was coordinated by the Ministry of Justice, Human Rights and Religious Affairs and took a four-pronged approach: changing cultural practices and patterns through public awareness-raising and training for public servants, including teachers, medical professionals, the judiciary and law enforcement officers; ensuring access to justice for victims of gender violence through the

specialized units for family violence; providing protection for victims through a network of shelters run by NGOs and funded by the Government; and gathering strategic information through the national census and other forms of data collection. A permanent mechanism for dialogue had been established between the institutions dealing with the administration of justice in cases of gender-based violence. The Ministry assessed objective information received through that process, in order to identify and overcome any barriers to justice for women in situations of domestic violence, an approach that had already yielded positive results.

Articles 7 to 9

63. **Ms. Acosta Vargas** asked whether the question of women's participation in politics was addressed in schools to ensure that girls learned about the importance of participating in political life, at the local and national levels and through NGOs, and were made aware of their right to autonomous decision-making. She asked whether the Government actively invited women to participate in political life and encouraged them to take up positions of leadership and responsibility. With regard to international representation, she asked what percentage of senior international positions were held by women, and whether any efforts were made to promote the participation of women of indigenous origin or African descent.

64. **Ms. Vaca Jones** (Ecuador) said that the Constitution and revised legislation on education provided for equal participation for all in all spheres of society. Girls and boys alike were educated about their right to be involved in various aspects of life in Ecuador, including politics. Girls' participation in extracurricular education, such as sports, cultural and recreational activities, was encouraged. There were a large number of women in international delegations from Ecuador.

65. **Ms. Espinosa** (Ecuador) said that in 2013 the Ministry of Foreign Affairs, Trade and Integration had for the first time made a specific appeal for men and women from indigenous communities to apply for certain positions. Regarding the diplomatic service, over the past seven years the number of women heads of foreign missions had increased dramatically, as had the representation of women from indigenous communities.

66. **Ms. Vaca Jones** (Ecuador) added that a woman had also been designated to head the Ministry of National Defence.

The meeting rose at 1.05 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1282nd meeting
Held at the Palais des Nations, Geneva, on Thursday, 19 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Ecuador (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Ecuador (continued)
(CEDAW/C/ECU/8-9; CEDAW/C/ECU/Q/8-9 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Ecuador took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Schulz** asked, with reference to article 9 of the Convention, how the State party dealt with the problem of the 10 per cent of children who were not registered at birth, since they might later suffer difficulties in gaining access to schools, or health services or obtaining a passport. She asked how the State party guaranteed registration even in remote areas and how it proposed to deal with those currently without birth certificates.

3. **Ms. Vaca Jones** (Ecuador) said that the figure of 10 per cent was not entirely accurate: a child might have been registered and have a birth certificate but not have identity documents. The Government was working to ensure that all births could be registered automatically, so that identity documents, with the same number as the birth certificate, could be issued immediately, thus giving children access to health services at birth, at 5 years of age and in adolescence.

4. **Ms. Schulz** said that she had relied on a figure issued by the World Bank in 2010, so the fact that the figure had improved was welcome. She asked, however, whether those currently without birth certificates would be provided with identity documents.

5. **Ms. Godoy** (Ecuador) said that birth registration was automatic if a child was born in hospital, but not in the case of home births. There was, however, provision for late registration.

Articles 10 to 14

6. **Ms. Bailey**, after commending the State party on progress made in various aspects of education under the education plan for the period 2006–2015, said that the report failed to provide the information requested by the Committee on the continuing high levels of violence in the educational system, especially sexual violence. Following the Committee's previous concluding observations, the Committee against Torture and the Committee on Economic, Social and Cultural Rights had also expressed concern at consistent reports of sexual abuse against minors in educational establishments. The Intercultural Education Act provided for the right to an education free of violence and prohibited teachers from violating children's rights. Yet the State party gave no specific details of prosecutions, convictions or disciplinary measures taken or of mechanisms to facilitate handling of complaints by girls of sexual abuse. The report did not address any of the issues with the proper urgency. The protocols, the awareness campaigns and the training of teachers were excellent initiatives, but the Committee was anxious to have real information on how perpetrators were dealt with and whether action taken had reduced sexual violence. She noted that, in 2010, the Committee on Economic, Social and Cultural Rights had been informed that an agreement was to be signed by the Ministry of Education and the Office of the Attorney General under which all suspected cases of sexual violence in schools would automatically be subject to a criminal investigation and she asked whether that agreement had been signed and was operational. In her view, sexual violence was also linked to the

high level of adolescent pregnancy, especially among indigenous and Afro-Ecuadorian girls, leading them to drop out of school.

7. **Ms. Arocha Dominguez** said that Ecuador had made progress in reducing poverty, but, as other United Nations human rights treaty bodies had pointed out, the predominance of the informal sector and corresponding low incomes, and the problems faced by migrants and refugees in finding work, meant that much remained to be done. Ecuador should embrace its multiculturalism by highlighting the roles played by various groups. It should therefore distinguish between the urban and the rural population and stress the contribution of indigenous and Afro-Ecuadorian women. She commended the improvements in standards relating to domestic work but said she was concerned that, whereas, according to the periodic report, the number of women in domestic service had nearly halved, the delegation had stated at the previous meeting that the current number was 200,000, or a two-thirds increase. The issue was particularly important because it affected indigenous and Afro-Ecuadorian women and women with low educational levels. She also noted that social security data varied between the core document (HRI/CORE/ECU/2009/Add.1), the country's initial report and the latest periodic report and she requested an explanation. Lastly, she said that the periodic report made no reference to sexual harassment in the workplace and she asked whether the matter was covered by any regulations and whether there existed facilities for lodging complaints.

8. **Ms. Schulz** said, with reference to article 11 of the Convention, that the Ecuadorian Criminal Code recognized therapeutic abortion as legal to prevent danger to the life or health of women. It had not, however, been available, probably owing to a lack of understanding of the concept or the fear among medical personnel of being accused of carrying out illegal abortions. The new clinical guidelines were therefore very important and she asked what would be done to guarantee the full and uniform implementation of the guidelines throughout the country, what timetable there was for training health professionals and what measures would be taken to make women and girls aware of their right to a therapeutic abortion, if they fulfilled the required conditions. She also asked whether a study would be made of the mortality and morbidity rates of legal and illegal abortions, respectively. Secondly, she noted that abortion was allowed in cases of rape only for women with mental disabilities. Such a denial of abortion to other victims of rape could, however, could constitute torture: the woman concerned had a choice between having an unsafe abortion, carrying the child to term or committing suicide. The restriction constituted a violation of articles 2, 12 and 16, paragraph 1 (e), of the Convention and she asked when the right to abortion would be extended to all victims of rape. Thirdly, she said that there had been cases in which health personnel had reported girls who had had abortions to the police. In her view, such personnel should be prosecuted for breach of confidentiality. Lastly, she urged the State party to show due respect for the country's cultural diversity by respecting indigenous health-care customs.

9. **Ms. Vaca Jones** (Ecuador) said that the Government was aware of sexual and other forms of violence in schools and had therefore established clear guidelines on how such matters should be dealt with, how complaints were handled and what advice should be given. In such cases, a decision was made jointly with the Public Prosecution Service on whether the matter should be subject to criminal investigation or was purely administrative. As for the expulsion of pregnant girls, that was prohibited. Teenage pregnancy was a problem in Ecuador but not a major cause of girls dropping out of school. The country had programmes in place to tackle teenage pregnancy: contraceptive methods were recommended and contraceptive pills and day-after pills were provided free of charge. Under a programme entitled "Let's talk seriously about sexuality without mystery", 9,000 teachers had been trained in sex education for teenagers and the scheme could be extended also to younger children. The Ministry of Health offered a free telephone line providing advice on sexual and reproductive health. Work had also been done by the Ministry of

Economic and Social Inclusion, which had organized meetings with and among families and held courses on sexual and reproductive health that had been attended by 200,000 young people.

10. **Ms. Peralta** (Ecuador) said that Ecuador had adopted a comprehensive plan to eradicate sexual offences in the education system in 2011. The agreement referred to by Ms. Bailey had been signed in 2012, with the Ministry of Internal Affairs an additional signatory, and a module to train teachers and ensure that complaints were properly lodged and heard had been set up by the Ministry of Justice. There had been 13 convictions for sexual abuse in 2011, cases from 2012 were currently being heard and there had been 33 convictions in cases relating to offences committed in 2013–2014.

11. **Ms. Vaca Jones** (Ecuador) said that, under the previous system, there had been no way of lodging complaints and the only sanctions imposed had been of an administrative nature. The situation was much improved. The same applied to the data kept and she foresaw further improvements over the coming months.

12. Her Government was making efforts to tackle the problem of underemployment in the country, which still remained very high. It was also exploring ways to ensure that all women working in the informal sector, including domestic workers, enjoyed decent pay and fair conditions of employment and were covered by the social security system. The focus was on regularizing the work of independent and domestic workers. Her delegation would provide the Committee with further data on domestic workers in Ecuador at a later date.

13. **Ms. Jaramillo** (Ecuador) said that sexual harassment was punishable under the Criminal Code by a prison sentence of between 3 and 5 years. In addition, harassment in the workplace could be grounds for terminating the employment of the offender.

14. **Ms. Vaca Jones** (Ecuador) said that it was not always possible to collect data disaggregated by ethnicity given that some national data was gathered at a more general level and indigenous peoples and people from different ethnic origins were present throughout the country. It was nevertheless true that some ethnic populations were present in greater numbers in certain areas and it should be possible to take their presence into account. Further progress had been made in eliminating poverty in rural areas, where most indigenous people and people of African descent lived. Turning to the question of abortion, she said that health policies dealt with maternal and prenatal health and new guidelines covered treatment following miscarriages and abortions. Particular emphasis was placed on preventing maternal death and in identifying its causes since the reduction in the maternal mortality rate was the only Millennium Development Goal target that had not been met. Abortions were still a major cause of maternal death in Ecuador.

15. **Ms. Peralta** (Ecuador) said that 93 cases of abortion were currently under investigation in Ecuador but none had been referred to the courts and no persons had been deprived of their freedom as a result of the process.

16. **Ms. Vaca Jones** (Ecuador) said that cultural diversity was respected in all health-care services and the right of indigenous women to give birth in a traditional manner was protected under existing protocols. The educational system was intercultural and particular efforts were made to ensure that the Quichua and other indigenous peoples exercised the right to use their own languages.

17. **Ms. Pimentel**, said that, leaving the provisions on sexual harassment in the Criminal Code aside, she wished to know whether public and private institutions had put in place their own policies and regulations to prevent and raise awareness about such sexual offences. The delegation had given information on the procedures to be followed in the

event of miscarriages but she wished to know whether improvements had been made in the treatment of women who had undergone abortions.

18. **Ms. Schultz** said that she wished to have further information concerning abortion in cases of rape. She asked whether the development of the National Intersectoral Family Planning Strategy would mean that more or fewer resources would be devoted to family planning, sexual and reproductive health and rights and teenage pregnancy prevention. She wished to know whether the Health Code under review would incorporate a broad concept of health, including its physical, mental and social dimensions.

19. **Ms. Bailey** said that she wished to know how data would be collected on the minority populations in the national census, since they had been subsumed under the data on urban and rural settings; as a researcher, she found it difficult to understand how the national statistical office could not gather data at that level of specificity. She wondered how intercultural policies could be drafted in response to small population groups in the absence of concrete information.

20. **Ms. Arocha Dominguez** said that she believed that there was serious political will in Ecuador to resolve issues relating to women's employment rights. Nevertheless, it would be useful to receive data relating to the period 2010–2014 in order to assess the impact of employment policies on rural and indigenous women, women of African descent and Montubio women. She asked how many cases involving sexual harassment had been brought before the courts.

21. **Ms. Vaca Jones** (Ecuador) said that services designed to prevent teenage pregnancies, which included health, education and economic and social inclusion, were delivered by the Ministry of Health and other relevant ministries. The overarching strategy was based on the recognition that teenage pregnancy limited the opportunities and life chances of young mothers. The Office of the President of the Republic monitored the impact of the interministerial strategy on national targets.

22. The new Health Code, which was being drafted by the Ministry of Health, members of parliament and the Ministry of Justice in consultation with civil society, would help to institutionalize the health-care reforms recently ushered in and cover the physical, social and mental aspects of health.

23. Ecuador was a multicultural country and, although the national census provided some information on specific groups, statistics kept in areas such as employment did not always permit the disaggregation of data. Nevertheless, considerable care was taken to provide public policies and services that were sensitive to the needs of specific population groups, including indigenous communities and vulnerable communities.

24. **Ms. Peralta** (Ecuador) said that the National Statistics and Census Institute was working on a mechanism to gather and share gender statistics between national institutions and indicators on gender equality had been included in the 2010 census. In response to the Committee's recommendation, certain cross-cutting social indicators on indigenous women, women of African descent and Montubio women had been included in the National Plan for Good Living and information on ethnicity was included in household surveys.

25. **Ms. Vaca Jones** (Ecuador) said that recent data on the results of complaints of violence or assault in the education system showed that the complaints procedure was working, since many cases had been tried in criminal courts and criminal rather than administrative penalties had been imposed. Data would continue to be gathered in order to monitor complaints and to ensure that students felt free to come forward. Her Government would consider carrying out an impact assessment of its policies to combat sexual violence in schools as it had done on a regular basis in other areas such as school nutrition and maternal health.

26. **Ms. Pomeranzi** said that she welcomed the extensive information on the State party's measures to ensure that women enjoyed their full economic and social rights. Nevertheless, it seemed that ministries did not always obtain statistics from the regions and that further work on gender mainstreaming was required. A system of indicators that could be used at both national and local levels would allow better coordination of activities. The voucher referred to in the report of the State party as the human development bond cash transfer appeared to have been effective in reducing poverty, although its impact needed to be measured throughout the country. It would be useful to carry out a study on the accessibility of the vouchers for the poorest women, since they were subject to eligibility criteria that could be hard to meet. Further information on the obstacles to public funding and the gender aspects of the State party's housing and microcredit programmes was also needed.

27. **Ms. Acosta Vargas** noted that 37 per cent of the population of Ecuador lived in rural areas and that almost half of its citizens lived outside major urban settings; those populations were particularly affected by racism that had persisted since colonial times and by modern-day gender discrimination. She said that she wished to know what was the level of participation of indigenous rural women in development plans and what provision was made in order to listen to their views. It would be useful to have further information about the impact on communities of large-scale economic projects in the mining and oil sectors.

28. She also wished to know what was being done to meet the challenges that had arisen as a result of the introduction of modern schools, known as schools of the millennium, alongside traditional community schools to poor, rural communities. For example, how was the State party upholding the rights of indigenous peoples while ensuring that all rural children received a basic education? Although they could not provide the same level of education as millennium schools, there was still a need for community schools, which were located closer to the communities and were thus more accessible.

29. As adolescent pregnancy rates were higher in rural areas than in urban areas, there was a need for more focused action in that regard. She asked what steps had been taken to ensure that an intercultural approach was taken to prenatal and childbirth services and whether disagreements arose between indigenous communities and the authorities about the health-care policies implemented.

30. Further clarification of the unequal access to microcredit between men and women was needed. She also asked what progress had been made on increasing women's participation in agricultural associations and cooperatives involved in the ongoing agrarian reform process. She would appreciate statistics on rural women's access to land. Lastly, on access to justice in rural areas, she asked whether local languages were used in court and whether attempts had been made to harmonize the national civil and customary legal systems.

31. **Ms. Vaca Jones** (Ecuador) said that, in order to maximize their impact, it had been decided to channel human development bond cash transfers towards the section of the population living in extreme poverty. Investment in the health, education and social sectors had been increased dramatically to bring about significant and lasting improvements to the lives of economically disadvantaged persons. The Corporación Nacional de Finanzas Populares y Solidarias, the national body with responsibility for public finance, facilitated access to credit for rural women.

32. A large number of children of families living in extreme poverty had received university grants. As a result of recently adopted policies, levels of poverty and social inequality had been reduced. A large portion of the population lived in rural areas far from the nearest school of the millennium. The network of such establishments would eventually be extended to cover the whole country but that process would take time; in the interim,

there was a need to improve community schools. Thanks to the adoption of new policies on universal education, all children in rural areas were provided with school uniforms, textbooks and school meals.

33. **Ms. Peralta** (Ecuador) said that in isolated areas where the judicial service did not have a presence, alternatives such as community mediation were employed. Under the Comprehensive Criminal Code, all victims of crime who did not speak Spanish had the right to an interpreter.

34. **Ms. Vaca Jones** (Ecuador) said that a bill on agrarian reform was currently before the parliament for consideration. Under that bill, women heads of household and single mothers would receive plots of land and loans and technical assistance would be provided for rural development projects.

35. **Ms. Acosta Vargas** asked whether the millennium schools were intercultural and how many women sat on the executive board of the national microcredit programme.

36. **Ms. Vaca Jones** (Ecuador) said that the entire national education system was intercultural. The authorities made every effort to meet the needs of indigenous, Afro-Ecuadorian and Montubio communities. A number of millennium schools in the Amazonian and Andean regions of Ecuador were both bilingual and intercultural. Work was ongoing to train more bilingual teachers and to involve representatives of indigenous communities in efforts to preserve the ancestral languages of the State party.

Articles 15 and 16

37. **Ms. Halperin-Kaddari** said that the report submitted by the State party did not contain much information on articles 15 and 16. More should be done to speed up the process of raising the minimum age for marriage to 18 years.

38. She asked whether the rule under which the administration of marital property was given to the husband by default had been abolished. Further details were needed of how property was divided up following a divorce, death of a spouse or separation. She also wished to know how deferred compensation, such as pensions, or a divorced spouse's future earnings were dealt with.

39. It would be useful to have statistics on the number of divorced women remaining in the family home with their children until those children had reached the age of majority and information on any potential backlash from groups campaigning for fathers' rights. Lastly, she asked whether there were any mechanisms in place to assist mothers in collecting child support payments from fathers who refused to meet their obligations in that regard, or to provide financial assistance for the children of such fathers.

40. **Ms. Godoy** (Ecuador) said that the discriminatory legislation covering the administration of marital property was currently being amended. Furthermore, when a civil union was dissolved, property was divided up on the basis of an inventory of existing assets. However, in cases where there was only one home and the children from the marriage were living there, that residence could not be sold until the children concerned had reached the age of majority. In cases where one or more of the children living in the property in question had a permanent disability, the parent who was the main care-provider remained with the child and the residence could not be sold. Where no agreement had been reached between the former spouses on the distribution of marital property, the value of that property was assessed and divided equally. Inherited assets were not included in marital property.

41. **Ms. Jaramillo** (Ecuador) said that, to date, nearly 350 persons had been imprisoned for failure to pay child support. However, the Ministry of Justice had signed an agreement with the Bank of the Ecuadorian Social Security Institute, under which a loan was extended

to cover the costs of the maintenance. The aim was to ensure that children continued to receive the monthly maintenance payments due to them and the fathers concerned were not deprived of their liberty and could continue to work.

42. **Ms. Halperin-Kaddari** asked whether there was any social safety net in place to ensure that payments were made in cases where parents had failed to meet their child support obligations.

43. **Ms. Vaca Jones** (Ecuador) said that, in cases of non-payment of child support involving families officially identified as being in a situation of extreme poverty, the human development bond cash transfer system could be used to ensure that the persons affected received a basic income.

44. Although she herself was currently the only woman member of the executive board of the national microcredit programme, the Minister for Economic and Social Inclusion, who was a woman, had appointed an official to represent her at meetings of that body.

45. Ecuador had provided the Committee with updated and reliable information on the progress made in the realization of women's rights. Much remained to be done in that field and the national authorities would continue to work towards social equality. Every effort would be made to publicize and follow up on the Committee's recommendations. Her Government had also undertaken to set up a body responsible for reporting on any progress made in the areas covered by the Committee's mandate.

46. **The Chairperson** thanked the delegation of Ecuador for the fruitful dialogue with the Committee. The Committee commended the State party for its efforts and encouraged it to take all necessary measures to act on its recommendations in order to fully implement the Convention for the benefit of all women and girls in the country.

The discussion covered in the summary record ended at 4.55 p.m.

United Nations CEDAW/C/SR.1283

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
25 February 2015

English only

Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record of the 1283rd meeting
Held at the Palais des Nations, Geneva, on Friday, 20 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of Tuvalu

This record is subject to correction.

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Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of Tuvalu (CEDAW/C/TUV/3-4; CEDAW/C/TUV/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Tuvalu took places at the Committee table.*

2. **Ms. Fauvaka Etuati** (Tuvalu), introducing the combined third and fourth periodic reports of Tuvalu (CEDAW/C/TUV/3-4), said that the adoption of the Family Protection and Domestic Violence Act in 2014 had constituted a milestone in the Government's effort to assume greater responsibility in combating violence against women. Another significant advance in 2014 had been the entry into force of the act amending the Falekaupule (Local Government) Act, which extended the right to participate and vote in local budget approval processes to all women aged over 18 years. Thus, although lack of resources dictated that progress was gradual, legislative advances were being achieved.

3. A new national policy on gender equality and women's empowerment had also been adopted in 2014. Its primary objectives were to build gender capacity across all government sectors; to reflect government commitments to gender equality and women's empowerment in legislation and policies; to create an enabling environment for women's full participation in economic development; to guarantee equal access to decision-making and leadership positions; and to eliminate all forms of gender-based violence. The policy was supported by a three-year strategic action plan which encompassed training for government officials and civil society, training for trainers, a massive campaign to raise awareness of gender-based violence and trade fairs to showcase women's skills and talents, among other activities. In addition, after the forthcoming elections the Gender Affairs Department would run induction workshops for new parliamentarians in order to place gender sensitization firmly on the political agenda.

4. The Government had also been working to enhance educational opportunities. Despite opposition, family life education covering sexuality and reproductive health had been incorporated into the curriculum – an advance that should help girls to make wise life decisions. Tertiary education institutions offered various options to encourage students, and especially girls, to continue learning, and funding was available through the Student Education Loan Fund. For girls who were not able to complete their secondary education, community training centres offered life skills training to equip them for small-scale business activities.

5. The presence of girls on courses in carpentry, joinery and welding attested to the lack of stereotyping in study choices and, following national consultations, the Tuvalu Maritime Training Institute had recently lifted the discriminatory practice of admitting young men only. As result, four young women would shortly graduate in seamanship skills.

6. Health care was free to all Tuvalu citizens. Two new health clinics had been opened in 2014 to alleviate the workload of the main hospital. The new clinics were strategically located to facilitate access to perinatal care for women living in remote settlements. Family planning services were readily available, breast-feeding was actively encouraged, and one-to-one counselling was available to young girls with sensitive health issues. In view of the country's small population and vulnerability to HIV/AIDS, the Ministry of Health had worked closely with local stakeholders to control the disease's spread. The fact that no new cases had been recorded since 2009 was a testament to the success of its outreach programmes, awareness-raising campaigns and Government-NGO cooperation.

7. Tuvalu faced manifold challenges in implementing the Convention: limited financial and human resources in most sectors; insufficient resources for a full legislative review; cultural barriers; a scattered island territory that complicated transportation and communication; lack of political will; and, foremost among them all, the devastating impact of climate change on livelihoods and future prospects. However, the Government would continue working towards implementation of its new legislation and policies and remained firmly committed to eliminating all forms of discrimination against women.

Articles 1 to 6

8. **Ms. Ameline** asked whether a review of the Constitution was on the agenda; when any amendments might be adopted; whether the State party intended to ratify the Optional Protocol to the Convention; and whether there were any plans to establish a national human rights commission. The adoption of the Family Protection and Domestic Violence Act was an important advance but the State party also needed to repeal or revise the large number of discriminatory provisions still present in various national laws, including the Native Land Act. She asked the delegation to clarify the schedule for the comprehensive global review that was urgently required and to say what body would oversee the exercise. She also sought clarification regarding the status of customary law in the legal order.

9. **Ms. Hofmeister** asked whether women faced legal and other costs that might deter them from seeking redress or appealing against first-instance judgements. For example, what expenses were involved in Supreme Court challenges? For women living in outer islands, travel expenses were presumably among the obstacles. She would also like to know what support was available for victims of violent offences; how many women were working as judges and prosecutors; how many police officers were women; whether judges, prosecutors and police officers received specific training in gender issues; whether there were any women's NGOs or a women's bar association; and where female prisoners were detained.

10. **Ms. Haidar** said that she would like more information about the content, objectives and current status of implementation of the gender equality policy and action plan and the resources allocated to them. In view of the financial constraints affecting all State activities, focusing on two or three priority areas might be the most effective means to advance the agenda: new legislation and policies were of limited value if not supported by adequate funds. She asked how the State party planned to tap the resources of civil society organizations to support the future development of the policy and plan.

11. **Ms. Itaieli Talia** (Tuvalu) said that plans for a comprehensive legislative review had had to be put on hold until the new Government was in place. However, with support from the Regional Rights Resource Team of the Secretariat of the Pacific Community, the Attorney General's Office was working towards implementation of the new Family Protection and Domestic Violence Act. The implementation plan, as well as a schedule for the legislative review, should be agreed before the end of 2015. The provisions of customary law could be invoked in court proceedings provided they did not run counter to positive law.

12. Access to justice could be a major problem for women in rural areas but the obstacles were mostly related to geography and transport and as such often beyond the State's control. Finance was a lesser obstacle; legal personnel were encouraged to work on a pro bono basis and charges were often waived for women who lacked economic means or family support, particularly when sensitive issues such as domestic violence were involved.

13. There were currently 2 female judges working in Tuvalu, out of a total of 24. There were no prison facilities for women as there were no female prisoners; the last woman imprisoned had been released in 2014.

14. **Ms. Tavita** (Tuvalu) said that there were about 5 women police officers, out of a total of around 50. The Gender Affairs Department worked closely with the Statistics Office, which maintained a database of disaggregated data, to monitor the status of women.

15. **Ms. Haidar** asked what executive powers were enjoyed by the Gender Affairs Department; what mechanisms were in place to ensure coordination between the Department and other ministries; what priority areas had been identified for the strategic action plan; and how civil society and local communities were mobilized to assist the national machinery and compensate for the lack of State resources.

16. **Ms. Italeli Talia** (Tuvalu) said that the Government hoped to have concluded the judicial review prior to submitting its next periodic report. Ratification of the Optional Protocol was certainly envisaged, and would be considered once the new Government was in place. The possibility of establishing a national human rights commission would also be on the agenda.

17. **Ms. Ameline** asked what training and awareness-raising measures were being used to ensure that women not only stood for election, but were actually elected, and that women's representation in elected office ceased to fluctuate as it had done in the past. She also asked what the State party was doing to address the financial shortages which were reportedly impeding the work of the Attorney General's Office and the justice system in general. She suggested that temporary special measures should be considered as a means to keep girls in school.

18. **Ms. Acar** said that an explanation as to the sociopolitical reasoning behind the title of the new Family Protection and Domestic Violence Act would be appreciated. Was the institution of the family thought to be more under threat than women's rights in domestic violence situations? She also enquired whether the Act covered all forms of domestic violence, including incest, sexual violence and psychological violence, and whether the definition of rape was based on absence of consent, in line with international norms. Lastly, expressing concern about the lack of training in new laws received by the judiciary, she suggested that technical assistance might be sought to address that deficiency and asked whether the State party had a timetable in mind for such training.

19. **Ms. Arocha Dominguez** said that she was concerned that public officials appeared not to be receiving adequate training in gender issues and that sensitization campaigns about sexual relationships and family roles appeared to target girls rather than society in general, thereby perpetuating stereotypical views. She asked what the State party was doing to raise awareness and change attitudes among men, by working with religious leaders, for example, or using radio programmes.

20. **Ms. Leinarte**, noting that no cases of trafficking to, from or within Tuvalu had ever been reported, asked how the authorities could be certain that no such offences had ever been committed. Noting also that prostitution was an offence under the Criminal Code, she asked whether any women had been prosecuted and convicted under those provisions; whether there was any public discussion or debate in the media about prostitution and trafficking; and whether society acknowledged the existence of those problems.

21. **Ms. Tavita** (Tuvalu) said that temporary special measures were a sensitive issue and continuous awareness-raising efforts were still required. To that end, media campaigns were being run and a gender mainstreaming programme was in place for government ministries and civil society. Although stereotypes could be difficult to overcome, progress had been made and gender roles in Tuvalu had become interchangeable. A committee had been established within the Gender Affairs Department for liaison with other stakeholders, including government ministries and civil society.

22. **Ms. Ionatana Osema** (Tuvalu) said that in order to remove gender stereotypes and discrimination against girls in education, awareness-raising measures were taken to inform girls about gender issues.

23. **Ms. Italeli Talia** (Tuvalu) said that the Family Protection and Domestic Violence Act had been drafted with expert support from the secretariat of the Pacific Islands Forum. During the drafting process, efforts had been made to identify where violence was likely to occur: anecdotal evidence had shown the prevalence of violence in a domestic context, particularly against women and children. The Act had therefore been intended to protect the family and address psychological, physical, sexual, economic and social violence. Rape was defined in the same terms under that Act as under the Criminal Code. Marital rape was not yet included in that definition but the definition of rape was due to be revised. Trafficking in persons and prostitution were both criminal offences. There had been no reports of trafficking in Tuvalu; two cases of prostitution were currently under investigation.

24. **Ms. Acar** said that the Convention required the recognition, promotion and protection of the human rights of women as individuals. That should be taken into account in any future revisions of the Family Protection and Domestic Violence Act. She asked whether incest was covered under the Act. She also wished to know whether there was a time frame in place for devising and implementing a training programme for the judiciary on violence against women.

25. **Ms. Leinarte** requested clarification on whether it was prostitutes themselves or those exploiting them who could be prosecuted under the Criminal Code.

26. **Ms. Haidar** requested further information on the priority policy areas and executive power of the Gender Affairs Department.

27. **Ms. Fauvaka Etuati** (Tuvalu) said that the Gender Affairs Department, which had previously been part of the Ministry of Home Affairs, was now under the authority of the Office of the Prime Minister.

28. **Ms. Italeli Talia** (Tuvalu) said that the Family Protection and Domestic Violence Act was read in conjunction with the Criminal Code, under which incest was a criminal offence. As to penalization of prostitution, it was pimps who were prosecuted, not prostitutes themselves.

29. **Ms. Tavita** (Tuvalu) said that the Gender Affairs Department worked on four main policy areas: strengthening institutions and capacity-building; promoting women in decision-making; women's economic empowerment; and the elimination of all forms of violence against women.

Articles 7 to 9

30. **The Chairperson** expressed concern regarding women's participation in public life: despite the constitutional provision on equal participation there was still only one woman parliamentarian in Tuvalu. While there were three women on the electoral list for the next election, she wondered what measures were being taken to change the stereotypical perception of politics as being for men. If women did not believe there was a place for them in politics they would not stand for election. She asked what the financial burden was for candidates, and whether there were any programmes in place to mitigate it. Since voting tended to be based on family ties rather than candidates' credentials, she wondered whether any measures were being taken to raise awareness about democracy and free elections. She asked whether the "practice parliament" for women had been successful, and whether any follow-up actions would be taken to encourage those who had participated to continue their involvement in politics. It was important not only to change attitudes among women, but also to ensure that men and boys supported women's contribution to public life.

31. **Ms. Zou** Xiaoqiao asked whether the State party intended to repeal or revise the discriminatory provision of the Constitution on the citizenship of children of Tuvalu women fathered by nationals of countries at war with Tuvalu.

32. **Ms. Fauvaka Etuati** (Tuvalu) said that women's participation in public life was advocated through a radio programme entitled "The World of Women", which was broadcast weekly on the national radio station in association with the Tuvalu National Council of Women, and covered such topics as the role of women in communities, the family and international settings. The practice parliament had been a success and had encouraged women to take up positions in politics. The Gender Affairs Department was taking measures to promote the election of candidates on their merits rather than on the basis of their family ties. With regard to changing the attitudes of men and boys, she said that more education in that regard would result in greater support for women.

33. **Ms. Tavita** (Tuvalu) said that women in Tuvalu were free to vote and to run for parliamentary election. Given the small number of women involved in high-level decision-making, awareness-raising and capacity-building programmes would continue. Measures were being taken to change women's attitudes and public perceptions of women's role in society through media campaigns and train-the-trainer programmes with the involvement of civil society.

34. **Ms. Tangisia Faavae** (Tuvalu) said that the Government's awareness-raising programmes and activities in the media to promote women's participation in public life had borne fruit: two women had chosen to run as candidates in the forthcoming parliamentary elections.

35. **Ms. Itaieli Talia** (Tuvalu) said that the costs of standing for election were generally met by the family and community supporting the candidate. The Constitution would be reviewed to identify and remove discriminatory provisions as a matter of priority.

36. **Ms. Tangisia Faavae** (Tuvalu) said that children in Tuvalu were brought up in a culture of respect: boys were taught to respect girls and women.

37. **Ms. Itaieli Talia** (Tuvalu) said that the Government's new gender policy upheld women's dignity and promoted their social and economic contribution to society in Tuvalu. The implementation of that policy was leading to a change in attitude to women's rights.

Articles 10 to 14

38. **Ms. Bailey** asked what was being done to counter the cultural practices and accepted gender stereotypes that acted as barriers to girls' participation in education, particularly at primary level. Although it was illegal to prevent children from attending school, parents tended to keep their elder female children at home to care for their younger siblings. She asked what impact police intervention was having in such cases. She also asked whether compulsory education was provided for under the Education Act, or whether it was a policy position taken by the Education Department. She wondered when the Education Act would be revised in line with the Convention on the Rights of the Child, and wished to know whether the Government intended to set any strategies to ensure the enforcement of the Act. She requested information on school dropout rates for girls and asked, in particular, about early pregnancy: were girls who became pregnant allowed to continue their schooling, and would they be allowed to return to school after having given birth?

39. She wished to know whether family life education would be taught as a stand-alone subject in schools, rather than being incorporated into science classes, with the risk of presenting only the biological perspective and not the social aspects of the subject. She also wondered whether the State party intended to broaden the family life education curriculum to be taught at all stages of education, in an age-appropriate manner. On vocational

education at tertiary level, she expressed concern that the introduction of subjects tailored towards girls would only serve to reinforce the idea that some subjects — such as engineering and construction — were for boys, while others were for girls. She asked what measures were being taken to encourage girls to participate in the vocational courses already on offer. She also asked whether there was any training available for teachers and parents to dismantle entrenched stereotypes and encourage boys and girls to participate in all subjects. She requested clarification of the term "school push-out".

40. **Ms. Pomeranzi** asked what the emerging trends were in women's labour, particularly since the State party had worked with the International Labour Organization (ILO) to promote gender equality on the labour market. She would be particularly interested to know whether the 2008 global economic and financial crisis had affected labour trends and if so, what kind of changes had occurred. She also asked whether any changes had occurred in the division of responsibilities between men and women, and whether discriminatory provisions on maternity leave in labour legislation had been repealed. She wondered whether progress had been made towards the ratification of the core international labour conventions, and requested information on women's participation in labour market negotiations and trade union activity.

41. **Ms. Arocha Domínguez** asked what the impact of the measures taken in the State party to improve activities, programmes and services for women had been on women's quality of life. She would be particularly interested to hear if there had been a reduction in maternal and child mortality rates or any increase in life expectancy, and how rates of disease prevalence had been affected. She asked whether the health centres that had been opened in the outer islands had the necessary equipment and staff to respond to health emergencies. Given that abortion was punishable under the Criminal Code, she would like more information about the extent of clandestine abortions, in what conditions those abortions were carried out, and what impact they had on maternal mortality. She asked what would happen to a woman who induced a miscarriage: would she be subject to criminal proceedings? She wondered whether anything was being done to change attitudes towards discussing sexually transmitted infections, especially HIV, and their risks and prevention. She asked what family planning methods were promoted and whether they were accessible to women in the outer islands. She also asked whether early detection of HIV was possible and whether the State party had sufficient antiretroviral treatment available for all those who needed it.

42. **Ms. Ionatana Osema** (Tuvalu) said that the number of older girls kept at home to look after their younger siblings had fallen as a result of radio broadcasts and awareness-raising campaigns. National legislation provided for compulsory education for children aged between 6 and 15, and parents were prosecuted if their children failed to attend school. Family life education at primary and secondary levels was part of social science and health lessons and covered HIV/AIDS and sexuality. There were plans to develop family life education as a subject in itself. In response to objections from many parents to the provision of family life education and the failure to separate boys and girls in those classes, the Government was making efforts to raise awareness of the importance of the subject and try to obtain parents' approval. Public schools systematically expelled girls who had sexual relations with boys or became pregnant, but private faith-based schools did not expel them automatically and allowed them back in or took them in if they had been expelled from another establishment. Community training centres had been set up on the outer islands to provide educational opportunities for school "push-outs", i.e., students who did not pass secondary school entrance exams. Vocational course applications were open to women and men equally. Women were entitled to enroll on any course, including in traditionally male-dominated subjects, and were offered career guidance prior to enrolment. One female student had graduated as a civil engineer in the previous two years.

43. **Ms. Itaieli Talia** (Tuvalu) said that the Department of Labour was currently working with ILO to review legislation on employment and labour. A committee had been set up to draft amendments based on the forthcoming recommendations from ILO, which would focus on maternity leave and guarantees for working mothers. It was expected that the review would be completed during the next reporting period.

44. **Ms. Tangisia Faavae** (Tuvalu) said that the new health centres that had been built throughout the country were staffed by health practitioners. In addition, a team of doctors visited the centres on the outer islands four times a year to enable people in those areas to consult a doctor. In the event of a medical emergency on the outer islands, the Ministry of Health was alerted and a boat was sent out to transport the patient to the main hospital. Abortion in the State party remained a criminal offence and no cases of termination of pregnancy for non-medical reasons had been reported in the main hospital. The Ministry of Health was cooperating with the Tuvalu National AIDS Committee to raise awareness of sexually transmitted diseases and HIV/AIDS, and it also distributed condoms, provided counselling for pregnant women and ran youth workshops on early pregnancy. The draft HIV legislation was now being finalized; it focused on creating an enabling environment and prevention of HIV/AIDS and other sexually transmitted diseases. The rate of maternal mortality had decreased since 2009.

45. **Ms. Pomeranzi** asked how the global financial crisis of 2008 had redefined women's relationship to employment. What measures were envisaged to eliminate discrimination against women in the workplace? How was the State party dealing with the migration flows away from the country?

46. **Ms. Zou** Xiaoqiao asked whether there was legal provision permitting abortion where pregnancy resulted from rape or incest and whether there was a time frame for the adoption of the HIV legislation. She also wondered whether the State party intended to conduct a comprehensive revision of all legislation, including laws concerning climate change.

47. **Ms. Bailey** said that it appeared that the expulsion procedure in public schools remained discriminatory: not all girls could afford to attend private schools, yet that was the only option for girls who had been expelled for pregnancy. She asked whether the "push-out" rate was higher among girls or boys. The concept of free choice was constrained by stereotypes generated by cultural and societal conditioning and assumptions. She therefore encouraged the State party to take action to break down gender stereotypes with a view to fostering genuine freedom of choice.

48. **Ms. Arocha Dominguez** said that the example of a girl who had studied engineering demonstrated an absence of legal restrictions but not of stereotypes. On the contrary, the existence of a single case only illustrated that girls were still expected to follow certain career paths and that only a minority deviated from them. She asked for information on the causes of morbidity and mortality in Tuvalu.

49. **Ms. Fauvaka Etuati** (Tuvalu) said that during the financial crisis of 2008 public service posts had been frozen as a response to budget cuts.

50. **Ms. Itaieli Talia** (Tuvalu) said that political will would be required in order to amend and implement the labour laws to bring them into compliance with the fundamental conventions of the ILO.

51. **Ms. Tangisia Faavae** (Tuvalu) said that decriminalization of abortion remained a sensitive issue. The Ministry of Health publicized the risks of abortion but some women still resorted to traditional healers. The draft HIV legislation would be submitted to the Cabinet following the elections in March 2015.

52. **Ms. Ionatana Osema** (Tuvalu) said that the Committee's concerns about stereotypes had been duly noted and would be taken into account.

53. **Ms. Ameline** said she was concerned at the fact that the State party was on the front line of imminent devastation from climate change. While commending mitigation actions taken so far, she asked whether women from all sectors of society participated in the formulation and implementation of plans in that area.

54. **Ms. Fauvaka Etuati** (Tuvalu) said that women were involved in the development of climate change adaptation programmes and played a key role in training sessions.

55. **Ms. Tangisia Faavae** (Tuvalu) said that women were heavily involved in decision-making processes on climate change.

56. **Ms. Itaieli Talia** (Tuvalu) said that the State party had been involved in the Conference of the Parties to the United Nations Framework Convention on Climate Change in Doha in 2012, at which it had demonstrated the disproportionate impact that climate change was having on the country and urged powerful nations to cut down on emissions and implement relevant policies as a matter of urgency.

57. **Ms. Pomeranzi** asked what the State party was doing to increase the economic empowerment of women, especially in the light of climate change and subsequent loss of livelihood for women working in agriculture. She wondered what particular measures had been adopted to promote green jobs. Were there special microcredit programmes in place for rural women and what was done to ensure that women were involved in decision-making regarding policies on climate change?

58. **Ms. Zou** Xiaoqiao asked whether a survey had been conducted to determine the different impacts of the rise in sea level on women and men, and for later use as a basis for policymaking on climate change. She asked whether the State party's policies and programmes in that area incorporated a gender perspective. Given that just under half of all women in the country lived in rural areas, she would like further information on their access to basic sanitation services, including drinking water. Did the National Gender Policy include targeted programmes to improve women's economic empowerment and income-generating activities?

59. It was essential to address the discriminatory provisions regarding land ownership and inheritance, and to raise awareness among the population of the importance of women working in agriculture owning land so that they could continue working.

60. **Ms. Tavita** (Tuvalu) said that the Government made efforts to publicize the repercussions of climate change on women's roles and invited women to help formulate adaptation programmes by voicing their opinions on radio broadcasts.

61. With the support of the Falekaupule Trust Fund, which had donated water tanks to some rural communities, most rural areas now had access to sanitation. The Government provided grants and training to bolster women's economic development and the Tuvalu National Council of Women had a small fund to assist women in setting up their own businesses.

62. **Ms. Fauvaka Etuati** (Tuvalu) said that the sea level rise had indeed caused devastation on the outer islands by destroying harvests and polluting underground water. New water tanks, however, enabled women to collect drinking water from other sources.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1284

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
24 February 2015

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1284th meeting
Held at the Palais des Nations, Geneva, on Friday, 20 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of Tuvalu (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of Tuvalu (continued)
(CEDAW/C/TUV/3-4; CEDAW/C/TUV/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Tuvalu took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Tavita** (Tuvalu) said that a priority outcome of the new Tuvalu National Gender Policy of 2014 for the economic empowerment of women was to create an enabling environment for the full participation of women in economic development. Measures taken by the Government included making available grants for women to start their own businesses and working in partnership with the trade department in order to provide business training for women.

3. **Ms. Fauvaka Etuati** (Tuvalu) said that the Government had established a National Advisory Council on Climate Change in order to coordinate activities and programmes associated with climate change in a systematic and timely manner. Climate change activities were coordinated through the Office of the Prime Minister.

Articles 15 and 16

4. **Ms. Leinarte** said that women in Tuvalu were heavily dependent on agriculture for their daily survival; however, land laws and the landownership system were patrilineal. The land laws, which were governed by custom and tradition, did not guarantee equal rights and the State party had recognized that, in land matters, women were often discriminated against. In the distribution of an estate between sons and daughters, the share of the eldest son would exceed that of his brothers and sisters and, if there were no sons, the share of the eldest daughter would exceed that of her younger sisters. The delegation of Tuvalu had acknowledged that eldest sons were granted preference because they were expected to take care of the family. Despite consultations on land discrimination undertaken by the Department of Women Affairs, the Tuvalu Lands Code, which governed inheritance laws, had not been revised. The lack of legislative review was the major obstacle to equal rights for women in land inheritance and landownership. She asked the delegation to comment on possible changes to customs and traditional practices regarding inheritance and ownership of land.

5. Concerning early marriages, she noted that the age of marriage in Tuvalu was 16 years, which was not in line with the Convention. It was unlikely that a girl of such an age could express her consent voluntarily and, despite the lack of reports of forced marriages, a marriageable age of 16 could be perceived as a disguised form of early and forced marriage. A parent's consent to the marriage of anyone under the age of 21 could be interpreted as a demand.

6. According to tradition, a divorced woman was to be looked after by her own family. She wished to know what action the Government had taken to protect the property rights of women upon divorce.

7. **Ms. Fauvaka Etuati** (Tuvalu) confirmed that women were dependent on land for their family's survival.

8. **Ms. Italeli Talia** (Tuvalu) said that the Government intended to review the discriminatory provisions in the Native Lands Act and the Tuvalu Lands Code. Although

women were discriminated against in land inheritance matters, all women received a portion of land where it was distributed between the sons and daughters of an extended family. Land laws were patriarchal, but women could inherit land where no male heir existed, a practice that the Government intended to incorporate into the law.

9. The Government would also review the discriminatory practice in the Marriage Act whereby a child seeking to marry at the age of 16 would require the consent of the father, but not the mother.

10. In cases of divorce, judges would take into account whether the woman was employed when considering maintenance, custody of children and division of marital property. In practice, the interests of the child were paramount and children's wishes were given priority when awarding custody. Divorced mothers who were unemployed were awarded maintenance to be paid by the father and they had a right to claim matrimonial property.

11. **Ms. Leinarte** said that she wished to know more details about the cases of girls who became married at the age of 16 and whether it was because they became pregnant; in the absence of further information she would assume that the marriages requiring parental consent were arranged by the parents.

12. **Ms. Zou** Xiaoqiao commended the State party for its ratification of the Convention on the Rights of Persons with Disabilities and asked whether the Government intended to publish a national policy on the rights of persons with disabilities. She wished to know what measures the Government intended to take in order to assist women with disabilities, since it was her understanding that they faced multiple forms of discrimination.

13. **Ms. Itaeli Talia** (Tuvalu), referring to the Marriage Act, said that parental consent was required for children aged 16, since they were not considered mature enough to take such a decision. Although the social reasons were not clear, children in Tuvalu chose to marry at an early age based on their own wishes and the concept of arranged marriages was outdated. The Government intended to review the concept of parental consent so that it would include the mother and the father.

14. Tuvalu had only recently ratified the Convention on the Rights of Persons with Disabilities and the Government planned to complete work on a national policy on persons with disabilities by October 2015.

15. **The Chairperson** said that she was grateful to the delegation for its constructive dialogue with the Committee, which had provided further insight into the situation of women in Tuvalu, and encouraged the State party to take all necessary measures to address the various recommendations of the Committee.

The discussion covered in the summary record ended at 3.30 p.m.